California Journal

The Monthly Analysis of State Government and Politics

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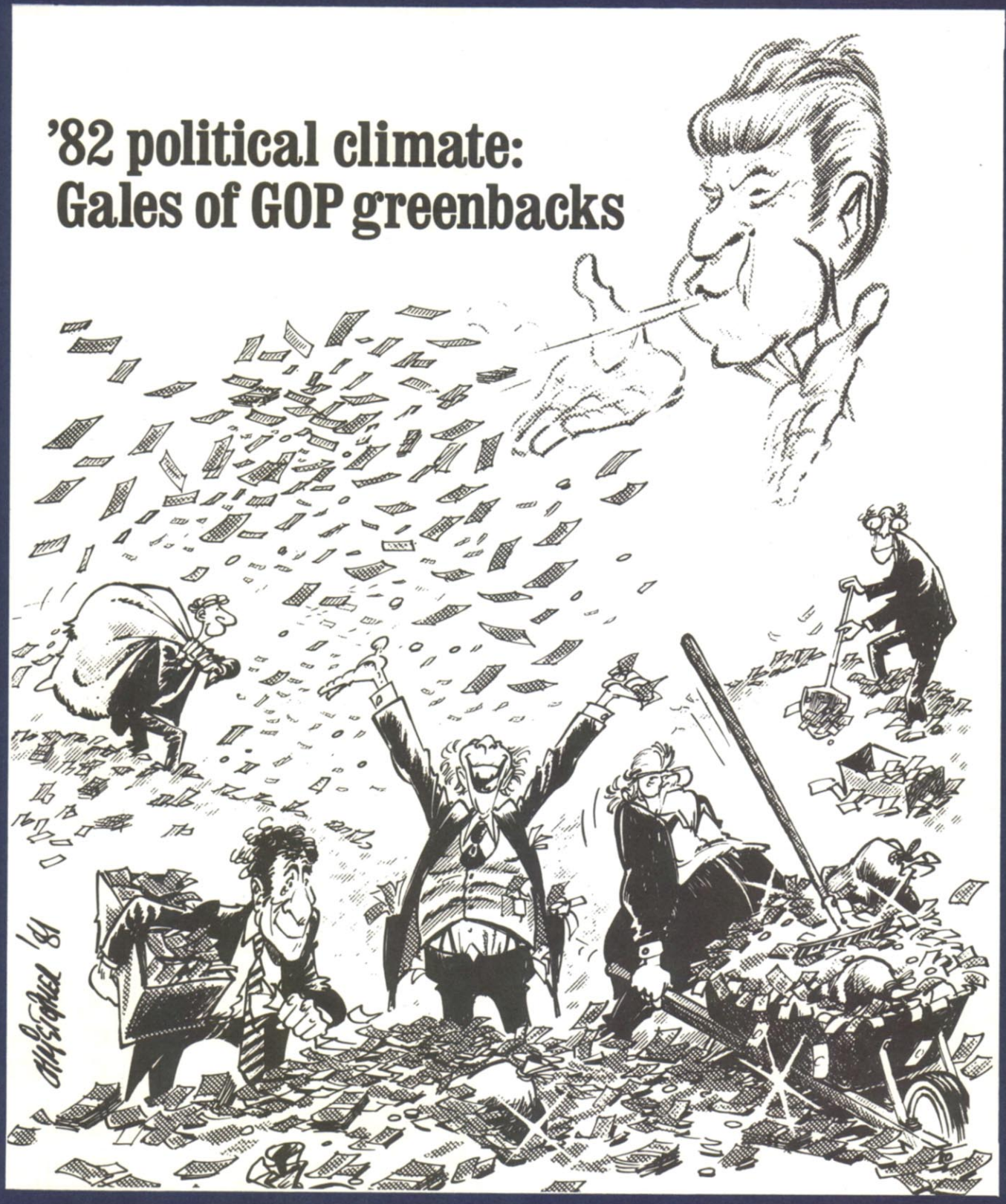
'82 political climate: Gales of GOP greenbacks



Powers behind the powerful

The latest mental health crisis

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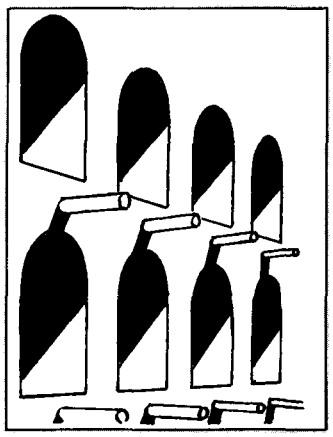
Personal
PERSPECTIVE

By Ed Salzman

The search for shelter



Are the seeds of socialism being sown in California?

If the savings-and-loan industry gets its way, variable-rate mortgages will become standard, and Californians will no longer be able to assume the loans of those selling them homes. Only the rich or foolish would borrow money without knowing exactly what the monthly payment was going to be. At times when interest rates are high, the only houses that are being sold with relative ease are those with assumable mortgages.

Californians will be furious with a system that burdens them with ever-increasing house payments (although it should be noted that payments would drop should the supply of money increase). And they will start blaming their elected officials if they cannot sell their homes because their loans are not assumable by a prospective buyer.

Lending institutions say they need changes in mortgage law because the current high interest rates are endangering their health. In effect, they claim, those who buy homes now must compensate for those who have the advantage of low-interest loans obtained in the past. They feel so strongly about assumable mortgages that they have broken ranks with their traditional allies in the home-mortgage field, the real-estate industry.

The S&Ls may have come upon harder times, but they are not exactly without resources. They now are in the checking business, obtaining deposits at an interest rate of 5¼ percent. They still have unsophisticated Californians depositing money in savings accounts at various rates far below what can be obtained from money-market mutual funds. (And they are campaigning in Washington to get the ordinary depositor out of these mutual funds.) They still charge mortgage customers "points" and loan fees. They still charge penalties for prepayment of loans. They still have the benefit of impound funds taken each month from mortgage holders to pay for taxes, insurance and the like.

Nevertheless, it is becoming clear that unless interest rates drop significantly, only a small proportion of the population will be able to purchase the traditional American dream house.So how will the citizens react? Will they accept the reality of the money market, and will they give up their mobility? Hardly. They will get mad as hell — at politicians — and demand that something be done. Eventually, they will put into office politicians who will respond more to their pleas than to those of the lending institutions. The free-enterprise system in the housing field will be declared a failure.

These problems are not new to Western European nations. High home costs and high interest rates (by American standards) are well known in the non-Communist nations of Europe. What has been the solution? In virtually every case, the answer has been heavy government involvement.

In this country, the government now only provides housing for the poor. In Europe, government is a key factor in the provision of shelter for the middle class. An enormous proportion of working men and women in England live in "council housing," huge apartment developments owned and operated by local government. In other nations, the government is the key factor in the financing of single-family residences for workers. (Even then, it takes several years of payroll deductions in West Germany for the down payment to be made. Will Californians wait that long?)

The only word that describes such heavy government involvement in an industry is socialism.

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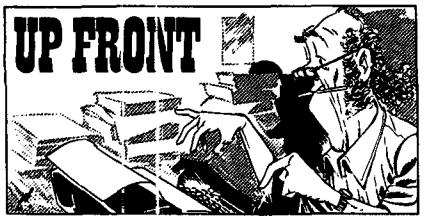

First Sacramento, then the world: The public-television program on state politics, "Sacramento Week in Review," next year will be renamed — "California Week in Review." The following year?

Here we go again with the fad of concocting fictional titles for bills, making humorous use of the names of legislators. Martin Helmke of the Senate staff came up with this one: the Lockyer-Boatwright Nautical Theft Prevention Act. (Perhaps we should run an entire column of these some month, if we get enough funny ones submitted by readers. So keep those cards and letters coming.)

A former legislative staffer, Tom Carroll, has been devoting his time of late to the development of a board game based on reapportionment. Only in Sacramento.

Some of Controller Ken Cory's close political friends are upset because Cory has been so reluctant to dive into the governor's race head first — or decide to stay out of the water in favor of the relative safety of his current home base.

Where did we go wrong? The following item from a Herb Caen column in the *San Francico Chronicle* is about a former *Journal* intern (summer of '75): "Nancy Friedman, the widely-known Berkeley author, had a party at her house Sat. night to celebrate publication of her latest book, 'Everything You Must Know About Tampons.' Not only did she wear plastic tampon holders as earrings, she had a four-foot 'Tamponata' hanging in the garden. When guests whacked at it with a baseball bat, they were rewarded with Butterfingers and taffy."

From the new *California Regulatory Law Reporter,* published by the University of San Diego School of Law: "It modified the consent form required to be completed when obtaining the necessary express authorization to embalm orally by telephone."

But is that much worse than the term used by the state Transportation Commission to describe a traveler making a connection between a bus and a car? That, friends, is an "intermodal interface."

Table of CONTENTS

Curb's Kitchenettes 232

By Michele Willens

Behind every politician is an army of advisers and fund-raisers — little-known powers behind the powerful.

Reagan's greening of the GOP 235

By Ed Salzman

Money will be no problem for state Republicans benefiting from White House clout next year.

Crisis among the mentally ill 239

By Kathryn Maney

A budget cutback is only part of the problem facing the state's overburdened mental-health system.

Stemming the trash tide 242

By Daniel J. Blackburn

Will a massive recycling campaign solve the garbage glut, or will it just delay more difficult answers?

The great mail-vote experiment 245

By Otto Kreisher

San Diego's mail-in ballots brought good news for election officials but bad news for Mayor Wilson's pet project.

Sting of *The Bee* 248

By Pat Rubin

The pen of cartoonist Dennis Renault pricks the images of Republicans (Ronald Reagan) and Democrats (Jerry Brown) alike.

Plea bargaining: the real world 251

By Kevin Valine

If sentence bargaining is banned, prosecutors and defense attorneys agree that justice will suffer and deceptions will result.

Battling over beer 253

By Phil Smith

The price of a six-pack will depend on some robust political lobbying now underway in Sacramento.

Inside the GOP think tanks 255

By William Greenburg

While the Rose Institute "watchdogs" reapportionment, other Claremont College centers offer havens for conservative research.

Investing those pensions 258

By J. A. Savage

Governor Brown wants innovative investments for the "public good," but pension officials aren't convinced.

Strictly opinion 238
Newsmakers 256
Roll call 260
Charting the issues 262
Leo Rennert 263

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The powers behind the powerful

By MICHELE WILLENS

It is fair to say we are well into 1982. After all, Mike Curb has raised almost $3 million for his drive to become governor, and he won't announce he is a candidate until later this year.

Attorney General George Deukmejian shook his head in bemused disgust one recent morning, saying he was pressured into starting his gubernatorial campaign way ahead of schedule, "because I was told if I don't, there wouldn't be any money or people left."

Like it or not, all the other prospective candidates are also gearing up for 1982. First on the agenda is seeking out those special persons whose names may not be known to the average voter, but who move and shake things politically and can make winning things happen.

Most of these behind-the-scenes powers live in Los Angeles. They can be important because they are willing to spend or raise money to see certain people in office, or because their counsel and strategic instincts are heeded by those close to them. The way Jimmy Carter leaned on Charles Kirbo, who preferred to stay out of the direct political fray. The way Ronald Reagan turned to his then-attorney and confidant William French Smith for straightforward advice.

Who are the persons who form the Democratic and Republican power networks as 1982 gets under way? Are they the same ones who have been influential in other election years — or is the torch being passed to a new generation?

Behind all the key officeholders in Southern California are favorite strategists, fund-raisers, check-writers, handholders and idea-bouncers. Some occasionally take time away from lucrative jobs or lifestyles to help full time, as did Democratic money-man Max Palevsky in 1973 when he ran Tom Bradley's mayoral campaign. (Palevsky said he wanted the experience.) But most prefer to remain only on call and unpaid.

Bradley, the likeliest Democratic candidate for governor next year, has often been criticized for keeping a small, longtime coterie of aides around him, persons who tend to overprotect him. But they are not necessarily the people Bradley leans on for personal feedback and thoughts on political strategy.

For that Bradley tends to call on three people: **Stephen Reinhardt,** currently a judge and formerly an attorney, police commissioner and active liberal Democrat; **Maury Weiner,** a former deputy mayor, currently in hospital administration; and **Sam Williams,** a downtown attorney who recently turned down Governor Jerry Brown's offer of a seat on the Supreme Court.

Like Bradley, Williams is black.

"Those are the key people Tom bounces things off of," says Bradley spokesman Tom Sullivan. "And I would also add **Bill Elkins,** who is a special assistant to the mayor."

Insiders say that Reinhardt will continue to be a close adviser to Bradley whether or not the mayor moves to Sacramento next year. Williams says that he also plans to continue his important role in any Bradley effort.

"I've always considered Tom Bradley a close personal friend and I will continue to help him in any way I can," Williams says carefully, "though you won't see me as a campaign manager."

Just as Ronald Reagan has his Kitchen Cabinet, so Mike Curb has his Kitchenettes: a group of successful, conservative businessmen who are younger than the tightly knit Gang of 8 that has played such an important role in Reagan's career.

The Kitchen Cabinet is still a powerful, much sought-after group in GOP circles. **Holmes Tuttle, Justin Dart, Alfred Bloomingdale, Ted Cummings, Jack Wrather, Bill Wilson, Earl Jorgenson, Henry Salvatori** are millionaires themselves and are friends of many others. They have endorsed Curb's campaign for governor.

But most of the energy for the campaign is coming from the younger, newer group including **Tuttle's son, Bob,** 37. He and **Robert Hollman,** who is in real estate development and management; **Jolly Gissell,** a vice president for Dean Witter, and LA Chamber of Commerce President **Walter Beran** are playing the key fund-raising roles in the campaign and are involved with strategy sessions along with official campaign operative **Ken Reitz.**

Hollman proved successful with his stint as finance chairman for Deane Dana's campaign last year. Dana came from obscurity to unseat former Congresswoman Yvonne Brathwaite Burke as Los Angeles County supervisor. Gissell has been involved with Congressman Bob Dornan's successful campaigns, fighting off the big star-studded money raised for Gregory Peck's son, Carey. They are Curb contemporaries and, so far, the key Kitchenettes worth watching.

George Deukmejian's active exploratory effort is lacking in Kitchen Cabinet power, but it features a few other fairly new GOP activists: entrepreneur-attorney **Robert Hatch** and insurance man **Bill Erwin.** Hatch's political expertise, in particular, is becoming more and more welcome. He was Reagan's LA chairman in 1976. Elected to the state Senate in Illinois when in his 20s, Erwin is involved with both strategy and fund raising for Deukmejian.

The governor's confidants

Jerry Brown is touching base with just about everyone who has ever supported him in the past, to discuss his planned race for the U.S. Senate. But in the end, those persons he trusts and leans on most have familiar names.

"His circle of confidants is pretty much the same as ever," says longtime adviser **Richard Maullin,** who has not been actively involved with Brown since quietly leaving the governor's last presidential effort. "He calls an enormous number of people, and he is extremely broad-based in who he talks to. He has a way of making everyone feel they are confidants for a moment. Jerry does listen to them all, though it's hard to predict who he's seriously looking to for advice."

The key people meeting with Brown on a regular basis

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about the campaign are Maullin, former aides **Tom Quinn** (who has been active in every Brown campaign) and **Richard Silberman,** and LA attorney and popular strategist **Mickey Kantor,** who took time from his practice to run Brown's brief but flashy presidential escapade in 1976.

Kantor says, "I've been involved with Jerry for about two months now, in meetings or over the phone, but I honestly doubt I would ever manage a campaign again."

Look for LA's outgoing young city attorney, **Burt Pines,** also to play a key role in Brown's quest for a new political job.

On the GOP side, Congressmen Pete McCloskey and Barry Goldwater Jr., plus a number of others — possibly including the president's daughter Maureen — are scraping around, trying to line up commitments from behind-the-scenes powers. It would seem that the important Kitchen Cabinet types would go with anyone whose last name is Reagan, but some of them are apparently opposed to her running. They fear the race would turn into a referendum on how "Dear Old Dad" (as she calls him) is doing.

Goldwater's campaign aide, **John Rico,** says discussions are going on between Goldwater and top GOP supporters, but "we've just kicked things off, so it's a little early to tell. We'd love to have those people with us, but Barry's in the race to the end, no matter what. We are the frontrunner now, and hopefully that may convince them."

McCloskey aide **Bud Arnold** says they are also talking to Kitchen Cabinet types who have indicated they may be willing to accept McCloskey's moderate views in exchange for electing a candidate who, according to public-opinion polls, has the best chance of beating Jerry Brown.

One member, Henry Salvatori, has tried to play old-time power broker, pledging support only if the Menlo Park congressman publicly apologizes for his anti-Vietnam War record. McCloskey says simply, "I was right and they were wrong, and no way am I going to say otherwise."

That kind of power-pressure seems to be on the wane, however. Movers and shakers nowadays seem more interested in results than in rubbing shoulders with those in office. The Republican breed tend to be more business-oriented, while many of the Democrats have valuable campaign experience behind them.

For example, industrialist **Julian Virtue** loaned Deane Dana $11,000 and served as Stephen Weeks' campaign finance chairman in his recent race for LA city controller. ("Campaign finance chairman" is a common title for the bigwigs whose names are more important than their actual activity.) Virtue and two other conservative businessmen, **Price Sanders** and **Robert Bauer,** joined forces to create California Lincoln Clubs' Political Action Committee, which raises funds for GOP candidates.

Involved liberals

On the Democratic side, the wealthy liberals, who can always be counted on for raising or contributing money, tend to like to be somewhat involved with the overall thinking of the campaign they are bankrolling. They include **Nelson Rising,** a highly successful businessman who takes a titular role in many Democratic campaigns (including past Bradley races and Ted Kennedy's effort last year in California); **Max Palevsky,** who has expressed interest in a possible campaign for the Senate by author Gore Vidal; and **Stanley Sheinbaum,** a UC Regent, economist and successful money-raiser.

Then there are longtime moderate Democrats, such as **Paul Ziffren,** a hugely successful attorney with years of experience in party politics, and his friend **Lew Wasserman,** head of MCA-Universal and a power within the entertainment industry.

"The Wassermans and Ziffrens are still terribly impor-

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tant," says Southern California Democratic Party Chairman **Peter Kelly,** "because they have adapted to the times and know how to bring important groups of people together and into a campaign. But I think there has been a shift of emphasis from the huge financial givers to those who have access to lots of different kinds of people. It used to be where the person who could write a check for $100,000 was the most important person to a campaign. But that has changed, because even though there are no limitations on contributions in California, such large ones carry an aura which make people reluctant to give or take them now."

"I don't think people respond well to the kingmaker constituency anymore," agrees GOP campaign operative **Bill Roberts,** who is currently most active in Deukmejian's campaign. "The candidate is seen as more independent when he doesn't have a long list of massive contributors."

Even Mike Curb, who says he is prepared to raise $5 million to get elected, admits, "I feel uncomfortable about having to raise and spend that kind of money. I constantly worry that some of those same people will one day have to do business with my office and it will be seen as a conflict."

Still, campaign costs are rising dramatically. (Bob Ronka and Ira Reiner, for example, recently spent almost $2 million in their bitter fight for Los Angeles city attorney.) So those who have money to give must be sought, coddled and often included in consultations on how the campaign is being run.

Some wealthy contributors tend to trip over their egos and pull back from a campaign or a political figure if they feel that they are not being called often enough or are being left out of some decision. But that kind of contributor is less common now than in the past. Most moneyed activists in both parties today have strong opinions on issues, and they want to support those candidates who espouse similar beliefs.

Many of the new, business-background activists may lack long political experience, but they are finding that many of the talents which served them well in one arena are transferring to similar success in the political game.

That is why smart political operatives in both parties are seeking the new faces emerging in state politics — or at least those who might be convinced that they should put some of the tangible rewards of their success into political campaign coffers.

"California is blessed with being a state with a booming economy," says Peter Kelly. "The idea is to seek out and recruit the new professionals; try to catch them for your side."

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Reagan's greening of the California GOP

By ED SALZMAN

As governor, Ronald Reagan was hardly a major asset to other Republicans running for office in California. Reagan concentrated on optimizing his chance to become president, and the GOP lost ground in the state during his eight years in Sacramento.

As president, without even trying, Reagan may provide the leverage the Republicans need to achieve at least parity with the Democrats in California. Despite a Democratic reapportionment, the Grand Old Party could make substantial gains in the 1982 elections, partly because Reagan's presence in the White House is generating unprecedented contributions to party campaign funds.

Republican strategists claim that key GOP candidates for district offices in 1982 will have virtually all the money they need to run optimum campaigns against their Democratic opponents. It may not be at all unusual to see a Republican candidate for Congress spend $1 million next year or a legislative candidate operate on a budget exceeding $500,000. The use of the Reagan name in fund raising has proved magical, and the president hasn't even come to the state personally for fund-raising functions.

Reagan's victory in 1980, coupled with the GOP takeover of the United States Senate, has erased the setback of Watergate and has given Republicans in California and throughout the nation an optimistic attitude that is being translated into open checkbooks. The specific candidate chemistry of each 1982 California race is yet to be determined, but it is not too far-fetched for Republicans to feel that the following is within the realm of the possible:

- **Takeover of most** statewide constitutional offices, starting with governor. (There are now only two GOP statewide officeholders, Lieutenant Governor Mike Curb and Attorney General George Deukmejian.)
- **Retention of** the United States Senate seat now held by S. I. Hayakawa, even though the incumbent may well lose the GOP primary.
- **Capture of a majority** of the 45 seats in the state's congressional delegation (now 22-21 in favor of the Democrats, with two new districts to be added in reapportionment).
- **Pickup of a substantial** number of seats in the state Legislature. Republican control of the Senate is indeed possible, and Democrats probably will lose part of their huge 49-31 majority in the Assembly.

The filter-down effect

Reagan could be the key in many ways: His administration has been receiving approval in the public-opinion polls, and there is a possible filter-down impact for candidates in California, so that 1982 may be a generally good Republican year. With his health restored, Reagan undoubtedly will start stumping the nation next year on behalf of GOP congressional candidates. He will be in California often, and that will translate into a great deal of financial and moral support for the entire GOP ticket.

Mail solicitations under Reagan's signature have already proved highly successful, according to GOP legislative strategists. The Republican caucus in the state Senate is talking about spending $5 million next year on key Senate races — over and above what the individual candidates raise on their own. The Democrats can hardly be expected to match the flow from meal-ticket Reagan, but the Democrats do have the benefit of being able to draw the maps of the state's congressional and legislative districts. The Republican prospects are so bright, at least on paper, that GOP candidates are fighting ferociously among themselves, and the internecine warfare could be beneficial to the Democrats (even though the GOP will undoubtedly close ranks after the June primary).

As evidence of the favorable GOP prospects, look at how reluctant major Democratic figures have been to get involved in the competition for the statewide offices. Will Tom Bradley win the Democratic nomination for governor by default? Will Leo McCarthy or some other Democrat challenge Jerry Brown in the United States Senate primary? Will Secretary of State March Fong Eu, state Treasurer Jesse Unruh and state Controller Ken Cory — all at times scouting other offices — retreat to the relative safety of campaigns for re-election?

Among political insiders, it is almost taken for granted that Deukmejian and Congressman Pete McCloskey would make an unbeatable ticket for governor and senator. But the maverick McCloskey is probably more popular among Northern California Democrats than Republicans, and he is

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a decided longshot. Deukmejian starts the race for governor far behind Curb in both the polls and the collection of campaign funds. A ticket of Curb and Congressman Barry Goldwater Jr. would be more assailable by the Democrats.

While it is difficult to assess the statewide races before the field takes shape, it is possible to take a look at the district races even before reapportionment. That is because most incumbents will seek re-election, and the options available to Democrats in redistricting are restricted by population patterns.

The basic problem for the Democrats is that the central-city regions that have traditionally been Democratic strongholds have been shrinking. In order to save Democratic incumbents, it is necessary to push outward. The population growth has come in the suburbs, where Republicans usually win, and in the valley-hillside areas, where party registration means little and where almost any seat can be won by either party. Put another way, most of the growth areas are good for Republicans. Thus, even a plan designed to maximize Democratic victories will provide some excellent Republican opportunities.

Two views of the delegation

Democrats in Washington have been talking about a redistricting plan that would theoretically divide the delegation 25-20 in favor of the Democrats. This scheme strips the Republicans of one current seat, preserves all 22 Democratic incumbents and gives the Democrats three new districts. That goal could be accomplished if absolutely every move worked out as planned.

The Republicans privately see the congressional outlook a different way. Here is the analysis that results in a GOP takeover of the delegation majority:

Some 20 GOP seats are reasonably safe. This assumes that Don Clausen runs for re-election on the North Coast. (If he doesn't, the seat could go either way and would even lean Democratic with state Senator Barry Keene in the race.) It also assumes that first-termer Bobbi Fiedler will be given a solid district with the leftovers of the huge area now represented by Barry Goldwater Jr. One district in Los Angeles County must be abolished, and the leading candidates are the constituencies of Robert Dornan and John Rousselot. Whichever district survives will be safe for the GOP.

How do the Republicans pick up three seats to get a majority of the delegation? Two could well be won from the new districts being established — the two won by the state in the national reassignment based on population and the one that replaces the demolished district in Los Angeles County. Outlook for these pivotal districts:

- **San Diego.** The Democrats are expected to construct a Democratic district in San Diego roughly equivalent to the state Senate district now represented by Democrat James Mills. (In fact, Mills is a possible contender for the seat.) Republican Duncan Hunter, who upset Democrat Lionel Van Deerlin last year, would be shifted into safer Republican territory. This would be the best chance the Democrats have of capturing a new district.
- **Central Valley-Northern California.** The increase in population in the rural areas has created an opportunity for the Democrats to reshuffle the agricultural counties. The problem is that Democratic registration advantage in the valley-foothill area is virtually meaningless. Republicans Eugene Chappie, Norman Shumway and Chip Pashayan already represent valley and cow-county districts that are Democratic on paper. It makes no difference how the lines are drawn; the Republicans will have at least a 50-50 chance of winning this seat.
- **San Bernardino-Riverside.** Try as they might, the Democrats will be hard put to create a favorable district in the growing area east of Los Angeles County. The reason is that the loyal Democratic sections of San Bernardino and Riverside counties are already located in a district represented by a Democrat, the veteran George Brown. And that district looked shaky the last time around. If the Democrats are divided the Republicans would probably sweep the area.

Thus, each party figures to take one of the two new districts, with the third totally unpredictable. This still leaves the GOP one and possibly two seats short of a majority. Here is where the GOP financial resources could play a big role. There are six Democratic incumbents that might be defeated if they are weakened by redistricting and if the right campaign is run against them. The six:

Glenn Anderson of Harbor City is safe — unless the Dornan district is chopped into pieces. That's because the highly Republican Palos Verdes Peninsula would probably be added to Anderson's district. And that would spell big trouble for the former lieutenant governor. There are other options, but whichever Democrat gets Palos Verdes could be vulnerable.

George Brown of San Bernardino County. Brown ran poorly last time, and he may not seek another term. (He's talked about running for the United States Senate.) If Brown doesn't run (and even if he does), his district will be a prime GOP target.

John Burton of San Francisco. Burton's brother, Phil, is the mastermind of the Democratic reapportionment effort in Washington. John Burton faced a heavy attack in 1980 and won on the strength of his support in San Francisco. His new district will have less of San Francisco. Phil Burton wants to give John the Vallejo area of Solano County (connected to the rest of the district by water), which is supposed to be a Democratic stronghold. Actually, the Vallejo area has become less loyal in recent years. The local leaders may object to the water jump, and John Burton could be endangered.

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Tom Lantos of San Mateo County. The Democratic plans for the Bay Area were shattered when Lantos upset Bill Royer last November. Had Royer won, the Democrats simply would have merged his district with that of Republican Pete McCloskey. This would have allowed Phil Burton to take over the Democratic territory in northern San Mateo County, allowing brother John to move deeper into the womb of San Francisco. But now the Democrats face the challenge of saving Lantos, who will take over the more favorable parts of the McCloskey district. As many Santa Clara County Republicans as possible may be crammed into one district (which McCloskey could have if he drops his plan to run for the U.S. Senate). Nevertheless, Lantos will be moving into some marginal precincts, and the GOP might throw their moneybags at him.

Jerry Patterson of Santa Ana. In most years, Jerry Patterson runs ahead of Democratic Party registration in Orange County. His district could be made slightly safer through reapportionment, but the Republicans have a notion they might be able to beat him with an attractive candidate and a powerhouse campaign.

Pete Stark of Oakland. For two reasons, the GOP wants a crack at Stark in 1982. He ran his poorest race in 1980 against a weak opponent. And his district figures to move considerably south into conservative communities. Can liberal Stark survive a conservative attack if he has very little of Oakland left in his district? In Stark's case, the Republican money won't mean too much. A millionaire former banker, Stark is one of the few Democrats who can match a Republican greenback parade dollar for dollar.

Taking a tally, the Republicans have 20 safe districts (with Clausen), should pick up one or two of the new districts, and will go after five or six incumbents with heavy artillery. They won't have to land many howitzer shots to reach the magic number of 23 to win a majority in the delegation and help benefactor Ronald Reagan get a majority in both houses of Congress.

The Senate picture

The situation in the state Senate is different in one major respect: Only half the incumbents must run for re-election next year. The current Senate is divided 23-17 in favor of the Democrats. Of the 20 seats being contested next year, 14 are held by Democrats and six by Republicans — giving the GOP a significant advantage in the raw statistics. (The Republicans have a majority of the holdover senators, 11-9.)

The Democrats cannot avoid giving the Republicans a new seat in the San Diego-Orange area, probably at the expense of an incumbent in Los Angeles. (Under one Democratic plan, Republican Ollie Speraw of Long Beach would be shifted heavily into Orange, sparing all Los Angeles County Democratic districts.) Of the six current GOP seats, the Democrats have a chance of picking off only two. Should Ken Maddy of Fresno run for statewide office, the Democrats would probably take his seat. And there is a plan afoot to put two Santa Clara County Republicans, Dan O'Keefe and Marz Garcia, in the same district. But that would produce a wide-open district in the Santa Clara area, and it would probably not be locked up by either party.

On the other hand, the Republicans are drooling over the prospects of running no-limit campaigns in the districts represented by:

Barry Keene of the North Coast. If Keene should run for Congress or other office, the Republicans are convinced they can take the seat. But Assemblyman Doug Bosco might be able to hold it for the Democrats.

Walter Stiern of Bakersfield. It is taken for granted that if the 66-year-old veterinarian should retire, he would be succeeded by a Republican. Stiern, who is far more popular than his party in Kern County, might be beaten if Republican Assemblyman Don Rogers decided to try for the Upper House. Without Rogers in the race, Stiern would be rated the favorite.

Omer Rains of Ventura. The Democratic caucus chairman is talking about running for attorney general. One reason might be that re-election looks rather difficult. Redistricting may hurt him, and publicity regarding his wife's Sacramento business may have softened him up for the GOP.

Alan Robbins of the San Fernando Valley. If Robbins runs again, can he win a Democratic primary or a general election regardless of the outcome of his trial on sex charges in Sacramento?

Alan Sieroty of Beverly Hills. Republican strategists are keeping a close watch on Sieroty's constituency. They think he might be weakened enough by reapportionment to be worth a flyer.

Bob Presley and **Ruben Ayala.** These two Democrats represent the so-called Inland Empire of San Bernardino and Riverside counties. The Republicans think they can win both seats if they get the right candidates and if the Democrats do not outsmart them in redistricting the region.

James Mills of San Diego. Mills is not planning to seek re-election, and the Republicans think they might be able to carry the district. The GOP attitude toward San Diego changed with the Duncan Hunter victory; now the Democrats cannot consider themselves safe anywhere in the county, except perhaps in one Assembly district. Democratic Assemblyman Wadie P. Deddeh is the early favorite to succeed Mills, but he may have strong primary competition.

And if money is truly unlimited for the Republicans, there may be more targeted districts. For example, the GOP might tackle Senator John Foran of San Francisco if he moves far south into San Mateo County. The hit list will not be clear until the new districts are established, but it is quite clear that there may be a mismatch in money next year in targeted districts. As Peter Bontadelli of the Senate Republican caucus observed: "This will be the first election I've ever seen where we will have all the money we need to do everything we want to do."

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STRICTLY OPINION

*With this column, the **Journal** provides a forum for those wishing to express opinions on California political issues. Inquiries about future columns are encouraged.*

A design for failure

By LEOPOLD LIPPMAN

What are "developmental disabilities"? They are whatever Congress says they are. And Congress changes the definition every few years.

To some, the term is simply a cosmetic euphemism for mental retardation. To others, it is broader — embracing cerebral palsy, autism, epilepsy and other disabling conditions originating early in life and expected to endure indefinitely.

In the current federal law, it takes 106 words to define, and no one knows for sure what it means. Congress in 1978 scrapped the categorical definition and substituted functional terms that have broadened the meaning but have also created extensive confusion.

In every state there is a Developmental Disabilities Council. Among its responsibilities are the development of a periodic state plan, the spotlighting of unmet needs, the stimulation of services to meet those needs, and the coordination of state services.

This is a laudable series of goals, which could make a substantial difference in the lives of the individuals affected. Then why are the councils in the various states — and prominently among them the California State Council on Developmental Disabilities — not accomplishing what the law says they should?

One explanation is the personalities of the individuals the governor appoints to the council. This is easy and believable, but it is not true. Some analysts have pointed to a "philosophical split" on the old council, which was replaced by a new group of appointees this year as a result of amendments to the state law. It is true that there were two major groups on the old council, whose perceptions of the solutions were in direct conflict. It did often seem that the division between the "hospital parents" and the "community advocates" was the major source of the schism. But the truth is that most or all of the council members truly saw the need for a balanced continuum of services.

Another explanation is the Machiavelli theory. It is true that there was undue and disruptive influence from outside the council; but this too was merely symptomatic.

The real problems of the California State Council on Developmental Disabilities are structural and organizational. They stem from the fact that there are two laws, one federal and one state, which control the council; from the history of the legislation, which is not a history of orderly development but of impulsive reactions to problems of the moment; and from the inadequacy of the funding.

- **Funding.** The California State Council, recipient of the largest state allotment under the Federal Developmental Disabilities Act, currently receives $3.2 million a year from the U.S. Department of Health and Human Services. It is required to relate to at least seven departments and agencies of state government. One of them alone, the Department of Developmental Services, has an annual budget in excess of $600 million. Against this total, the $3.2 million is one-half of 1 percent — a small steering wheel for a vehicle this size.
- **Federal law.** The Developmental Disabilities Act was passed in 1970, amended in 1975 and again in 1978, with substantial changes each time, keeping the federal agency and the state councils almost constantly off balance. The law comes up for congressional action again this year.
- **State law.** In the early 1970s, the Developmental Disabilities Council in California was established in response to the federal legislation, as a body essentially advisory to the governor. In 1976, a series of bills included a measure remaking the state council, establishing it as an independent state agency and giving it a substantially new composition. The council operated under this law from early 1977 until the first of this year.

Beyond the frequency and scale of change wrought by successive amendments, there are other problems within the California service and advocacy system. There is, of course, the substantial direct-service system: the state hospitals, the public schools, the vocational rehabilitation programs, the public assistance and social services and health services and community colleges and other programs affecting the lives, growth and well-being of a hundred thousand or more persons with developmental disabilities. Then there is the vast system of regional centers; these 21 service agencies are operated by private corporations under contract with the state. The total annual budget for this part of the system — all general fund money — is more than $150 million.

Another component of the system — funded entirely with federal money through the state council is the 13 area boards. State law provides, in one paragraph, for an Organization of Area Boards (OAB), with powers and responsibilities not clearly defined; and this is another arena for conflict and contest.

Despite the diversity of perspectives, it would seem that most of these component parts — state and local agencies, regional centers, area boards, voluntary advocacy organizations and the state council itself — could work together most of the time. With their combined strength, energy and influence, they could accomplish a great deal.

But the basic flaws are in the design of the system itself. Most of these organizations were born to contend with each other, not to cooperate. It is no one person's, no one organization's, no state agency's fault. It is the fault of the system, and nothing less than total redesign will ever correct it.

Leopold Lippman is the former executive director of the California State Council on Developmental Disabilities.

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The latest crisis in care for the mentally ill

By KATHRYN MANEY

In 1849 the brig Euphemia lay docked off the shore of San Francisco, its hold serving as both the mental institution and jail for the community. Today, a growing number of mentally ill persons are once again being held in the jail system, due to bed shortages and inadequate planning of mental care facilities.

"As supportive services and outpatient facilities face cutbacks, patients become much more visible," says Al M. Loeb, director of the state Department of Mental Health. "The state and society will pay in one way or another. Law enforcement officials will pick up those creating a nuisance, hallucinating or loitering, and they'll end up in the jail system. It's a very uncomfortable issue."

Jailing of the mentally ill occurs most often in large urban areas:

- In Los Angeles County, the number of "mercy bookings" has steadily increased over the last two years. (Jailing of the mentally ill is often called mercy booking, because it is frequently the only alternative to leaving the patient on the street where he or she may be a danger to self or others.)
- A recent study by the Los Angeles County Mental Health Department showed that during a four-week period, the County-University of Southern California emergency room turned away 271 acutely ill patients. Countywide, 430 were turned away.
- San Francisco's director of jail psychiatric services, Suzanne Tavano, admits that "the number of mentally ill prisoners in the Hall of Justice, accused of serious crimes, has grown 70 percent in the past year — and that figure is rising steadily."
- On a normal day, one prisoner in 12 in San Francisco's jail system is classified as mentally ill. Mentally ill prisoners number over 100 among the 750 or so prisoners who are confined at the Hall of Justice.

The Department of Mental Health estimates that of the 3.45 million persons in California needing mental health care each year, nearly one-fifth — 690,000 — are not served by the system. The reasons: unrecognized or undiagnosed illnesses, clients' inability to meet commitment standards or lack of facilities and bed space.

Out of the institutions

The roots of the current problem can be traced back to the mid-1950s, when a "deinstitutionalization" movement grew nationwide. Its goal was to move the mentally ill from institutional settings to less restrictive community-care facilities. The belief that mentally disordered persons could be treated more effectively and humanely in their own communities became federal policy with the passage of the National Mental Health Act and the Community Centers Act. The latter bill provided seed money to the states to create community-based facilities to replace the state hospitals as primary mental health care centers.

But only one-third of all community health centers projected for California were funded, and the federal funds to keep the centers afloat for the first 10 years have now run out. That leaves county health officials scrambling for money to maintain those centers that have remained public. (About one-half of California's community health centers are privately owned and operated.)

Yet the statewide statistics on deinstitutionalization are dramatic. State hospitals held 37,000 patients in 1957; today that population stands at just over 5,000. The decline was actually a result of a combination of factors. There was natural attrition as elderly patients died and other aged patients who formerly would have been placed in state hospitals were directed into nursing homes. Then three state hospitals were closed over a four-year period: Modesto's in 1970, Dewitt's in 1972 and Mendocino's in 1973. Most important, legislation aimed at shifting the population to community-based facilities (the Short-Doyle Act) and restricting condi-

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tions for commitment (Lanterman-Petris-Short Act) resulted in significantly reduced hospital populations.

The Short-Doyle Act was passed in 1957 and initially required equal funding from both local and state levels. That was part of the reason for the community health centers' slow rate of growth, because if a county chose to treat a patient in a community program, the county had to pay 50 percent of the cost. If that same patient was placed in a state hospital, the state paid 100 percent of the cost. The disincentive was eased in 1967 by the Lanterman-Petris-Short (L-P-S) Act, which shifted funding for community care to a 90 percent share for the state, 10 percent for the county. And since the passage of Proposition 13, the Legislature has had to waive the counties' share due to their inability to pay it.

In addition to changing the funding structure, L-P-S became known as the mental health patients' bill of rights because of the changes it required in confinement proceedings. The law restricted commitments to those persons who were either gravely disabled and unable to provide for their own maintenance or dangerous to others. Unless one of those two conditions is met, mentally disturbed persons can be held against their will for only 72 hours. Some mental health officials are dissatisfied with L-P-S because they feel too many mentally ill persons are not receiving treatment because of the commitment standards. They are now reexamining L-P-S and hope to propose modifications soon.

The patients first released from state to local programs did not seriously overburden community resources. They included those least disabled and best prepared to function in the community, plus the elderly who were placed in nursing homes with federal support. As deinstitutionalization accelerated, however, it became obvious that few communities were sufficiently equipped to handle the acutely ill. These persons required extensive after-care services which either did not exist or were poorly funded in most counties. Many patients had been institutionalized for long periods of time and lacked the social skills and community supports to assist in the transition.

The pendulum swing

Now the pendulum appears to be swinging in the opposite direction: There is a small but growing body of professionals who think deinstitutionalization may no longer be a realistic goal. "I think we're looking at a new chapter in the deinstitutionalization story," says Paul Gorman of the state Department of Mental Health. "The state is coming to the end of its policy to return state hospital patients to the communities. Community programs are inadequate and more expensive. There's an economy of scale at work here. State hospitals can maintain a sizeable staff; the cost of their physical plant is nominal compared to buying new buildings, and their occupancy is always at least 90 to 95 percent. There's simply no cheaper way to go."

Once the primary provider of mental health services, the state hospitals have evolved from patient warehouses into total care facilities serving only those patients who cannot be adequately served in the local communities. The hospitals were plagued with problems in the 1970s, including state investigations of 1,000 questionable deaths of patients, understaffing, deteriorating facilities, loss of accreditation, use of shock therapy and involuntary sterilizations. But the hospitals have undergone extensive scrutiny as a result and there has been some improvement in conditions and administration.

There is new awareness among mental-health officials that current hospital populations may be close to an irreducible minimum. Even though Governor Brown's 1981-82 budget calls for a 200-bed reduction, and a department study projects an additional 600-bed reduction over a three-year period, Mental Health Director Loeb says it is doubtful that such reductions will occur. County directors have told him the figures are much too optimistic. The post-Proposition 13 funding crunch precludes building facilities for the released patients, and many of the acutely ill could not function in any setting other than a hospital.

Another factor often overlooked is the growing number of penal code patients whose release is unacceptable to the public. About 40 percent of mentally ill patients in state hospitals are committed by the courts as criminally insane. These include those judged to be not guilty by reason of insanity, incompetent to stand trial and mentally disordered sex offenders.

"I don't think people realize the large number of patients who are criminally insane when they talk about reducing the state hospital population," says Mike O'Connor, director of Napa State Hospital. "The public's not ready to receive these people back into the communities. I don't like to admit this fact, but I have to be realistic."

O'Connor cites an example: "A few years back, we had a patient who was transferred here from Atascadero (one of the state's two hospitals housing only the criminally insane), where he'd been sentenced following conviction for child molesting. He was a model patient and after eight years of hospitalization, we felt he was ready to re-enter society. We called his home — a small Northern California county — and they told us there was no way they would ever take him back there. They're just not ready to trust them (the criminally insane) again."

Critics of the state hospital system argue against the restrictive, isolated environments, their excessive reliance on drugs and their chronic understaffing problems. The isolation and drug dependency are counterproductive to preparing the patients to re-enter society, according to Tony Hoffman, spokesman for the Families of Disabled Children. "Putting a mentally ill person in a state hospital and expecting him to get well is like putting a person in the desert and expecting him to learn how to swim. It's just not possible." Hoffman's opinion is buttressed by the recidivism rates of state hospital patients: Of all patients admitted to state mental hospitals in one recent year, about 60 percent had been there at least once before.

Scandals and dollars

State hospitals treat only about 10 to 15 percent of the state's acute mental patients, according to Department of Mental Health statistics. The great majority are in community facilities — skilled nursing homes and board-and-care homes. And many of these facilities have recently been charged with the same abuses that state hospitals were accused of in the mid-'70s. "There have been cases of overdrugging and mysterious deaths," says Hoffman. "They thought they'd break up the scandals by removing patients from the state hospitals, but the problems followed the patients."

The state is currently involved in a major federal audit of mental care in nursing homes. Primarily serving the elderly, nursing homes attract Medi-Cal patients due to the restrictions on Medi-Cal that preclude payments for patients in total mental care facilities. Funding problems are also anticipated because of President Reagan's proposal to fund Medi-Cal at current levels plus 5 percent. Inflation in medical care is running at 15 percent annually.

Board-and-care operators, who receive direct federal funding in the form of Supplemental Security Income (SSI) for each patient, are finding it hard to stay afloat on the $402 per patient per month they receive. Responsible for about 25,000 mentally ill patients in California, the operators have been going out of business or switching their clientele to the aged or developmentally disabled, who are easier to care for

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and more highly subsidized. The department estimates that over the last three years 400 beds were closed in San Francisco alone. Licensed by the state Department of Social Services, board-and-care homes are residential facilities providing 24-hour care for a small group of patients, usually about six.

One of the continuing complaints about facilities for the mentally ill are their dependency upon drugs to keep patients manageable. A recent survey of 123 Parents of Adult Mentally Ill (PAMI) members in California revealed that drugs were used in 94 percent of the cases. Each patient was administered an average of 5.2 different drugs at one time or another. Most mentally ill patients in state hospitals also receive other kinds of medication, according to Napa Hospital Director O'Connor.

In the 1960s, some serious side effects from such drugs began to be identified. The PAMI survey revealed that 74 percent of the subject patients had experienced side effects from the drugs, and 44 percent of the patients felt the drugs weren't properly monitored.

Causes and cures

There are other questions confronting the decision-makers in the mental-health field. Problem-solving is made more difficult by the fact that the so-called mental-health system is not a system at all but a number of fragmented components, often competing with each other. The questions include:

- **What causes** mental illness — is it innate or environmentally produced? Does it result from physiological ailments or are the ailments an outgrowth of the mental problems? "It's amazing how little we know about mental illness," says state consultant Lenore Morrell. "We've made enormous advances in chemistry and understanding physical bases for a variety of disorders, yet our concepts of mental health and mental illness have changed very little."
- **What is a mentally ill person?** This is partially a community-standard decision — what is acceptable, or at least tolerable, behavior in Berkeley or San Francisco would be viewed quite differently in Fresno or Bakersfield. And as social mores change, so does what is considered "normal" or acceptable behavior.
- **What is the best treatment?** Individual or group psychiatric therapy, drug dependency, electric shock therapy, orthomolecular (megadoses of vitamins) therapy — all have their proponents and detractors. Some believe no treatment can cure the severely mentally ill. "We treat with the potentiality of a cure," said Hal Mavritte of the Conference of Local Mental Directors, "but there are some who have character disorders who are untreatable."
- **Should treatment rely on** a social rehabilitation model or a medical model? The social model stresses rehabilitation and tries to train the patients in proper societal behavior through behavior modification techniques. The medical model relies more on medication as a cure, including reliance on psychotropic drugs. It also integrates more extensively the physical health component of mental illness.
- **Public attitudes** toward the mentally ill are also hindering the possibilities of patients re-entering society. Stigmas attached to the mentally ill make it difficult to impossible for all but the strongest to re-enter normal society. The public often opposes having mental-health facilities in local neighborhoods. And what is acceptable behavior changes from time to time. In periods of economic prosperity, the populace is generally more tolerant of aberrant behavior. But as times get tough, with high crime rates and unemployment, the tendency is to lock away anyone whose behavior deviates from the normal.

Yet there are some signs of progress in the mental-health field. Among them:

- **Research showing** causal links between physical and mental illness points to an increased cure ratio, if the physical causes are detected (and are treatable) by complete physical work-ups on each patient. A 1980 study presented to the American Psychiatric Association showed that of 100 state hospital patients who were screened to eliminate physical illness prior to admission, 46 percent had a previously unrecognized medical illness which either caused or aggravated their psychiatric conditions. Eighty percent had physical illnesses requiring treatment.
- **Mental health** professionals are beginning to communicate more openly with one another. A major link is the

"California Model," a proposal prepared for the Legislature describing ideal standards for California's mental health system. (The model has little chance of being funded, but it still stands as a goal for the field.) Barbara Burke, consultant for the Model, says, "Mental health has always been a morass. Well-meaning people within the field couldn't talk with any commonality. The California Model brought them all together and built up communication lines."

- **The Department of Mental Health** has recently been reorganized to reduce fragmentation of resources, duplication of efforts, unclear lines of authority and low staff morale. Loeb, the director, was appointed last November to replace his controversial predecessor, Dale Farabee. Loeb says he is optimistic without being oblivious to his department's problems. "There are a number of dedicated people in California with a great commitment to patients and consumers," he says. "I think a network of self-help and volunteers will help us through the rough times ahead."

But, Loeb notes, reduced funding will force the professionals to make some painful choices. Money now spent on research, prevention and counseling — attempts to eliminate mental illness before it becomes a problem — may have to be redirected to basic care for the acutely ill.

"We're going to have only enough funds for minimal prevention as there is further pressure on crisis situations," says Assemblyman Tom Bates, chairman of the Assembly Subcommittee on Mental Health. "I see a great need there, since we lost most of the community support system with Proposition 13 — libraries, day care, hot lines, suicide prevention. But the money's not there to assume this role.

"Proposition 13 hit like a time bomb, and the Legislature doesn't have the funds for a real system," Bates admits. "It'll probably have to get much worse before the people realize what an incredible problem we have."

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The publicity campaign to stem the tide of trash

By DANIEL J. BLACKBURN

Dawn, April 20th. For the drivers and crews of California's estimated 4,000 garbage trucks, it was an ordinary enough day: They would make their usual rounds and haul away the usual 127,000 tons of residential, industrial and agricultural waste, deposit it far from the houses and minds of those who generated it, and then go home.

Even as the monstrous vehicles rumbled back to their maintenance yards, that work day completed, another element of the waste disposal fraternity was stirring to life at a posh riverfront hotel in Sacramento. This was a cadre of public relations folks from a San Francisco-based firm, Solem and Associates, and for *them* this was no ordinary day by any means. They were about to launch a project designed to reduce substantially the amount of society's leftovers by altering the collective conscience of Californians.

Rubbish, you say? The state of California doesn't seem to think so, and it is investing a half-million dollars yearly in what officials describe as a "do-or-be-buried" effort to stem a virtual flood of trash that promises — eventually — to grow beyond the capacity of contemporary disposal practices.

Out of the caves

The ambitious nature of the Solem public relations program is articulated by Pat Russell, a Los Angeles city council member and Jerry Brown appointee to the State Solid Waste Management Board: "The Great California Resource Rally (is) the largest 'waste awareness' effort in California's history." To garner that title, such an event likely wouldn't need to be very large. Garbage lacks the appeal of a football game and can't touch a good peace rally. Like yesterday's wine, it is best forgotten.

That, according to Russell and her eight SWMB colleagues, is precisely the problem. Thus was conceived the Great California Resources Rally, the focus of state officialdom's program to reduce waste.

The rally was held on the north lawn of Capitol Park and attracted a fair number of people, most of whom pointedly refrained from littering the premises while they watched, listened, and then departed, their minds presumably reeling with trashy thoughts. During the ensuing four days, the "largest waste awareness program" took a variety of forms statewide as communities large and small voiced universal disdain for swelling garbage heaps.

The week was proclaimed a great success by all concerned. Cities, counties, the State Solid Waste Management Board and a host of other state agencies and departments, the Solem group and the governor himself all sent press releases to the appropriate news outlets — thus contributing to the blizzard of waste paper that will tip the scales at 7 million tons by year's end. (To help promote the rally, the board produced a 169-page book and distributed it widely.)

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Solid waste — bureaucracy's euphemism for garbage — is no new social phenomenon. Some archeologists contend that early man solved the problem of caves cluttered with bones and other residue by simply moving on, a solution inconsistent with modern needs.

Civilization demanded the eventual cessation of the practice of dumping household garbage from windows, and to a lesser degree the dumping of industrial and agricultural wastes into rivers and streams, lakes and oceans. Shortages of land and money are ending the practice of dumping these solid wastes in distant locales and trying to forget where. And as quickly as traditional disposal methods become antiquated, new kinds of clutter are being developed, consumed and discarded. The garbage heap grows while the old dump site is groomed for luxury condominiums. It *is* a puzzle.

California government's response to the problem took its most tangible form in 1972, when the Legislature created the Solid Waste Management Board by enacting the Nejedly-Z'Berg-Dills Solid Waste Management and Resources Recovery Act. The board was charged with the responsibility for planning and enforcing "proper" waste disposal practices, and it is the lead agency in the state's effort at recycling, litter control and resource recovery.

Upon its formation, the board established a set of state minimum standards for disposal operations. Enforcement responsibility is assigned to local agencies, which can issue fines and cease-and-desist orders for flagrant violations. The board numbers among its activities the annual award of $9 million in grants, "seed money" to fund (in the board's words) innovative local public-awareness, resource-recovery, litter control and recycling activities. The board also serves as a funnel for state funds to counties for use in beach, park and roadside clean-ups; purchase of equipment and receptacles; and educational programs "to teach people not to litter in the first place," as board member Russell says.

Closing landfill sites

Garbage disposal hasn't always been so beset by difficult problems. Once our ancestors tired of wading through streets and sidewalks of other people's discarded junk, the issue of waste removal became one of gathering the trash and carting it to the outskirts of town, piling it higher and higher and perhaps burning it occasionally, the job performed by anyone who could be found. Gradually, the dump sites attracted indigent scavengers — the original recyclers — and began to surrender back some of its hidden wealth. Garbage and its disposal became an enterprise, in time a very lucrative one.

An entire industry evolved, one intent upon making garbage vanish from public view. Generations of Americans have come and gone hewing to the belief that garbage just disappeared from those big galvanized steel cans, usually in the quiet hours of the morning — no fuss, no muss. When communities grew, they grew away from the local dump, which seemed to enlarge rapidly, attract battalions of rats and other vermin, and smell bad.

Burying garbage under tons of dirt, layering it smoothly, one heap upon another, became a stopgap solution until

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economics and governmental regulation made this practice, too, increasingly unpopular. California has approximately 600 landfill sites today. In 10 years, half will be gone, while the volume of refuse increases geometrically. Causes for the anticipated closures range from health and safety violations to lack of space. The impact of these closures can be measured in the hundreds of millions of dollars. For example, in Los Angeles County alone, landfill closures by 1983 will cost residents an additional $30 to $40 million a year.

The additional costs will result from higher collection, transfer, hauling and burying expenses. By 1990, Californians will be spending a billion dollars for this purpose, despite the pending reduction in landfill sites. Landfills, while fewer in number, will not cease to exist. All over the state, innovative uses for these once-ignored locales are surfacing. In Santa Maria, the municipal airport was expanded by incorporating a nearby landfill site. In Napa County, a small landfill has been converted to grazing and recreational uses. A city-owned amphitheater in Burbank sits atop a one-time dump. Condominiums in Orange County sprout from the level surface of what once was a small, craggy canyon filled with garbage.

Living and playing on a garbage heap is made possible by "sanitary landfills," the result of an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading and compacting wastes to the smallest practical volume, burying it under dirt at the end of each day. Government officials hope that by reducing the pressure of burgeoning volumes of garbage destined for these sanitary landfills, they can forestall any future crisis. The state board seeks to reduce the amount of solid wastes placed in landfills by 25 percent within five years. This will be accomplished, members hope, through recycling a portion of the waste and converting the remaining organic elements into energy or other reuseable material.

According to data produced by the state board, recycling is a social habit that has just started: Californians recycle only 5 to 7 percent of accumulated solid wastes. Industry figures suggest that hundreds of millions of dollars worth of materials are tossed annually by state residents that could easily be recycled, reused or otherwise recovered. That contention might be shocking were it not for this reality: If recycling is easy, then *not* recycling is even easier. Simplifying the chore of separating recyclable items falls to local government entities, some of which are responding with promising programs.

In Santa Rosa, for example, a private company offers convenient curbside pickup of reuseable resources and even claims to be making a profit from the service. The San Francisco Bay Area also is beginning to attract companies offering the service. Marin County, El Cerrito and Palo Alto are expanding or initiating the curbside pickup as a prod to consumers.

In Southern California, where an abundance of land for disposal sites has tempered recycling enthusiasm, Santa Monica city officials are seeking a federal grant to initiate full-time, citywide recycling pickup.

Opinion polls financed by the state appear to show public complacency about the so-called "garbage crisis." One survey showed that 83 percent of its respondents thought their present garbage collection was efficient and cheap. Such attitudes don't foster social change. Public concepts and habits notwithstanding, however, recycling gradually is becoming economically plausible, with resulting interest from private and government agencies alike.

Missing markets

A recent report of the federal Environmental Protection Agency says that cities which "pass recycling ordinances and fully integrate source separation into their waste disposal system do seem to be able to find contractors willing to guarantee them a floor for their recyclables — generally with an escalator clause tied to market prices. In return, the contractor is assured a stable supply of materials delivered in a known, reliable form."

The trend toward recycling is not without its detractors. Numerous small scavenging and recycling companies that have been in private business for years are vocal in their belief that state and federal grants are funding competitive newcomers. And major collection and hauling companies have shown evidence of footdragging; they are reluctant to return to the days of the rag-picking scavenger, but

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nevertheless they are anxious to hedge any potential revenue losses that might result from changing disposal practices.

"Recycling hasn't affected the industry of refuse haulers because the public has generated more and more trash," says A. J. Annigoni, president of the National Solid Wastes Management Association. "A lot of that trash is not recyclable because there is no market, and what is being recycled is under quotas with no new market, and therefore goes back into the trash stream." Annigoni, a Sacramento businessman, thinks the waste hauling business is being scrutinized — "you might even say harassed" — with the large influx of (tax) dollars that are being granted to recycling centers that prosper for a short time and then disappear.

"Legislators are beginning to see that the dollars in recycling are wasted dollars," he says. "A public awareness program is fine, up to a point, but I feel that the Solid Waste Management Board is spending a lot of money for their own recognition. The money should be spent to develop new markets, small resource-recovery energy-producing plants, design experiments — that's the future. We're working in the wrong direction, but the board is adamant about staying with recycling because that is what the public hears and recognizes. The easiest step for our state board is just to be on the front page on public awareness and recycling, and it really doesn't do a thing."

Leonard Stefanelli, president of the California Refuse Removal Council, northern section, says the state board "has erred in its judgment" regarding the relative importance of recycling.

"The board has everyone recycling, which I think is great. We are a wasteful community, and it raises public awareness, but it's going to backfire on them because they have done nothing to really develop the market for the potential onslaught of materials that are going to be recovered," Stefanelli says.

"I think the state board has a useful purpose, but its goals are idealistic. It has the enthusiasm, but its big problem is that it is lacking in professionalism.

San Franciscan Stefanelli singles out board chairman Terry Trumbull, a Palo Alto lawyer who is an ardent supporter of recycling practices, as taking a "kindergarten approach" to the problem. "But who am I to argue with him?"

Stefanelli insists that if the board achieves its goal of reducing waste volume by 25 percent through recovery and recycling, there would be no place for it to go. "What happens to it?" he asks, and then answers: "It goes back into the garbage stream, that's where it goes."

Most major haulers in Northern California contend that attempts to get people to separate recyclable materials for pickup will be fruitless.

"You have to change these deeply rooted ideas over a period of time, a decade or so," says Stefanelli. "In big cities like San Francisco, half the people don't even know how to put stuff in the can, much less segregate it. The end result is that important things remain to be done. Markets have to be developed to handle the recycled materials. Methods of packaging should be standardized to get away from a tremendous wastefulness. And we have to get into high-technology resource recovery. It's a generation away, but this is what the board should be doing, not starting these weekend recycling groups. They're going to get mud in their eye because they're going to get so much crap that there will be no market for it. They are taking the line of least resistance."

The Great California Resource Rally, five days of activities that cost the taxpayer $120,000, is history. Did it accomplish anything? Who knows? This morning, as always, 4,000 groaning garbage trucks lugged 127,000 tons of waste material to a final resting place, in landfills that are rapidly disappearing.

And tonight, somewhere in California, a speaker will tell an audience that recycling is the answer to the state's swelling trash heap.

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San Diego's experiment with a vote-by-mail election

By OTTO KREISHER

It was like a cliché come to life: They gave a special election and nobody came.

And yet, a record-high percentage of the registered voters cast their ballots in an electoral experiment that was rated an overwhelming success. It could change the form of future elections throughout California and perhaps around the nation.

But while the experimental election process was a success, the issue that prompted the special election was soundly rejected. That outcome could be felt in the early maneuvering for next year's gubernatorial contest.

The highly unusual election, carried out in San Diego in May, was the largest all-mail election ever conducted anywhere in the nation, according to election experts. Despite widespread misgivings and a legal challenge, the election produced two highly desirable results: It increased voter participation by a substantial margin, and it saved a considerable amount of money.

The issue before the San Diego voters was a proposal to build a $224 million convention center complex as a major element of an extensive downtown redevelopment project. The expensive proposal was, in large measure, the brainchild of San Diego Mayor Pete Wilson, who has been trying to bring his city into the major leagues of conventions for most of his nine years as mayor. Even though tourism and conventions provide the second largest source of income to San Diego — behind the massive military spending produced by a complex of Navy and Marine Corps facilities — the city is incapable of handling the largest conventions. That was demonstrated most vividly in 1972 in the aborted effort to hold the Republican National Convention there.

Wilson and a majority of the City Council voted last year to build the convention center and to finance it with revenue bonds, to be paid off by the future leases and the hotel-motel tax. That arrangement meant the issue would not have gone before the voters for approval.

But opponents of the convention center quickly geared up a referendum petition drive last November which forced the question to the ballot. Wilson preferred not to wait for the city's regular municipal primary elections this September and decided to call a special election. The reason cited was to avoid an increase in cost due to inflation, but Wilson also could have been anxious to get the issue settled so he could be free to pursue his up-hill drive for the Republican gubernatorial nomination.

With the city facing a budgetary crunch shared by most of the governmental entities in the state, the idea of a $600,000 special election was hard to swallow. The solution, proposed by City Clerk Charles Abdelnour and carried off with the help of San Diego County Registrar Ray Ortiz, was to have an election conducted completely by mail. If the concept worked, it would save as much as half of a normal special

Otto Kreisher is the Sacramento correspondent for the San Diego Union.

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election cost. But no one had ever conducted an election by mail in a jurisdiction anywhere near the size of San Diego, so the idea was met by considerable resistance.

The idea of elections by mail is not new, however. State election laws have long allowed mailed ballots for jurisdictions with fewer than 5,000 voters, and many special districts regularly hold their elections by mail. Although state law does not specifically authorize elections by mail in large jurisdictions, charter cities have considerable freedom in determining their own affairs, and the city officials decided the mailed election was both legal and feasible.

Convention center opponents disagree, of course, and a legal challenge to the mailed ballot was filed by Robert O. Peterson, a millionaire investor who had made a fortune with the Jack-in-the-Box hamburger chain and in banking. Peterson's lawyer, Kevin Midlam, argued that an election by mail violated the constitutional right to a secret ballot and asked for an injunction to stop the election. The injunction was denied, but the suit is pending.

The more than 460,000 ballots already were mailed out on April 19th, and the voters were given two weeks to return them. While the ballots were in the hands of the voters, the campaign for and against the convention center raged on, through broadcast and newspaper advertising and in public debates.

The main battle over the convention center pitted Wilson and the downtown business establishment against a "strange bedfellows" coalition of liberals, perhaps best represented by Democratic Assemblyman Larry Kapiloff of San Diego, and conservatives, vocally led by City Councilman Fred Schnaubelt. They had strong support from the owners of the largest chain of motels in the area.

Kapiloff, who may harbor ambitions to run for mayor in three years, attacked the convention center mainly on the grounds that it would take money away from programs needed by the poor and the elderly. Schnaubelt, a political maverick with libertarian beliefs, opposed the center on the argument that government should not be involved in a private-enterprise operation. Both men questioned the financial viability of the project.

Supporters of the convention center followed more or less traditional campaign procedures, running most of their media advertising before the ballots were put in the voters' hands. But the opponents took advantage of the two-week voting period to drum in their message. Terry Brown, chairman of the Atlas Hotels chain, ran full-page ads in the local newspapers nearly every day during the voting period, attacking the idea of politicians trying to manage such an expensive project and warning about the impact on the local taxpayer. Although his ads did not mention it, Brown obviously was concerned about the potential competition since his Town & Country Motel and Convention Center is the largest convention facility in the area — and scheduled to be expanded — and would have been directly affected by the large new city-owned center.

Good and bad news

One of the most telling blows against the project was a confidential memorandum from City Attorney John Witt to the mayor, which Schnaubelt released to the public. That legal brief shattered Wilson's public argument that the general taxpayer could not be saddled with the burden of paying off the bonds on the center in case the revenues from the facilities and the hotel tax were not adequate to cover the cost. The brief damaged both Wilson's credibility and the support for the project.

The unusual election ended at midnight May 4th, with hundreds of voters dropping off their ballots at curbside depositories outside the downtown city administration building and the suburban county registrar's headquarters.

When the ballots were tabulated, it produced good news for the election officials who had conceived the election by mail, and bad news for Mayor Wilson and the convention center supporters. Nearly 260,000 ballots had been returned for 60.7 percent turnout, more than double a normal special election and a better showing than in all but three of the San Diego municipal elections in the last 22 years. Election experts from the city and county, from the secretary of state's office and from counties in California and other states, all agreed the election had gone off surprisingly well.

William Durley, chief of the elections division of the secretary of state's office, monitored the mailed ballot election with several of his aides and came away impressed. "People have talked about it being the voting method of the future, but the people here proved it can work and work damn well," Durley says. "The one problem I can foresee is that it was done so well here, somebody somewhere else may try it, thinking it's easier than it really is."

Durley says he will await the outcome of Peterson's legal challenge before he makes a formal recommendation to his boss, March Fong Eu, and the Legislature, but adds, "I can say without any question it worked very well in San Diego."

Ray Phelps, an Oregon election official among the many out-of-state observers during the San Diego experiment, also came away impressed. "With something like this, you learn to crawl, then you walk and then you run," Phelps said. "This was the crawling step, but I think mail ballots could even be used for statewide general elections someday."

Problems to solve

Voters seemed to like the experiment as much as the experts, according to remarks from several of those who took advantage of the last-minute drop-off arrangement. Bill Nickerson, of suburban University City, said he was among the late voters because he had put his ballot in the drawer and forgotten about it until the final day. He liked the mailed ballot and the drive-in return procedure because "it's so much more convenient than having to go stand in line at a polling place. I don't know why they don't do it this way all the time," he said.

County Registrar Ortiz already is considering proposing that the mailed ballot be used for the September primary election which will include San Diego City Council races, San Diego Unified School District contests and San Diego Community College District board selections. But most of the election officials caution against moving too quickly into a complicated, multiple issue election without more experience and more voter information on the mailed ballot procedures.

"There are problems to be worked out," Durley says. "This was a relatively simple election," but there still were a lot of mistakes made by voters, he says. "I probably would not recommend doing it in a full statewide primary at first."

Abdelnour says a primary by mail is "technically feasible" but wanted to study the results of the May special election and potential savings before accepting the idea.

The election saved an estimated $220,000 from the cost of a normal citywide special election. The main savings, city and state election officials explained, was from not having to set up and man the hundreds of polling places required for a normal election. Durley says a statewide election requires about 100,000 workers in the polling stations. If each were paid $40 that would mean $4 million, much of which potentially could be saved by a mail-ballot election.

Still, there were problems with the new procedures that could take some additional education to eliminate, according to election officials. Under the mailed-ballot procedures, each voter received a packet with a ballot that required a perforated section to be punched out to indicate a

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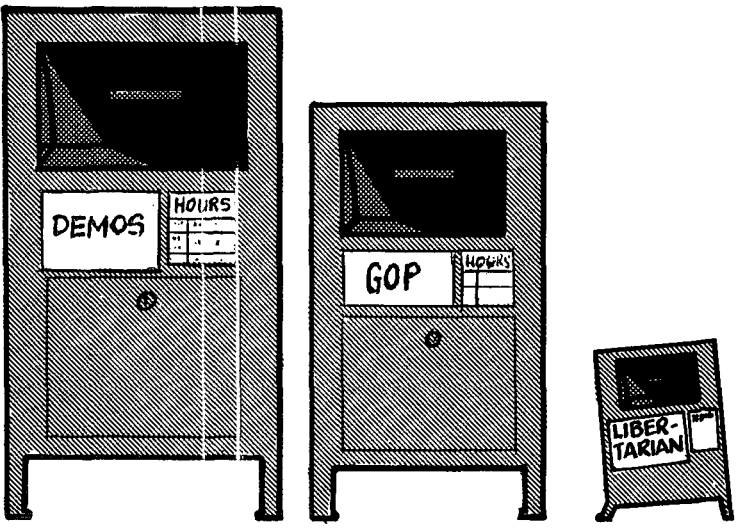
"yes" or a "no" vote on the simple one-question contest. The ballot then was to be put into a special envelope and sealed. The envelope then was to be signed and mailed back to the registrar's office.

As the ballots came in, election officials and workers, operating in special rooms with tight security and observed by a panel of volunteers, compared the signature on the envelope against the voter's signature on the registration form. If it matched, the punch card ballot was removed from the envelope, face down, and stored for feeding into the automated counters on the final day of the election period.

One of the problems came from ballots returned without signatures on envelopes — about 2.2 percent of the total — which meant they could not be counted. A handful (391 of the 261,433 received) had signatures which did not match the registration card or were of someone other than a registered voter. Hundreds of voters put an "X" in the box to designate their choice instead of punching out the perforated box. Finally, more than 9 percent could not be delivered to the voters because of changes of addresses.



Out of the more than quarter-million ballots returned, only seven were referred to the district attorney's office for investigation of possible criminal violations — persons voting more than once or forging a signature. There were a number of cases in which a spouse or someone else used a presumed power of attorney to cast another person's ballot.

Attorney Midlam, preparing for the court test of Peterson's challenge to the mailed ballot procedure, says that his arguments that the election violated the right to a secret ballot would focus on what happens while the ballots are in voters' homes, not with the procedures used by election officials. "Who knows who marked the ballot?" Midlam asks "Just because they signed it doesn't mean they marked it." He also will focus on the possibility of coercion, since someone else could be watching while the voter marked the ballot in his or her home.

"How do you police it when people are out there with the ballot for two weeks?" he asks. Someone who wanted to be sure another person voted the right way could just watch to see how the ballot was marked, he suggests.

Midlam also mentions reports that in at least one household, a wife who did not agree with the way her husband voted on the issue said she would mail both ballots but put hers in the mail box and put his in the trash.

Still, election officials believe the mailed ballot election will be upheld since the procedure has been used repeatedly in smaller jurisdictions. Basically, it is just an extension of the absentee ballot used by tens of thousands of voters in every major election, they insist.

Some of those who opposed the mailed ballot and also opposed the convention center may have second thoughts on the desirability of the experimental procedures because of the favorable results. Secret polling data obtained by the convention center supporters indicated that the wider voter participation would help their position, but the results were a solid 56.6 percent rejection of the expensive project.

The conservative results did not appear that surprising, considering the difficult economic situation and San Diego voters' high percentage of support for conservative issues such as Propositions 13 and 4 in recent elections. And experience shows that absentee ballots in a regular election always run more conservatively than the general voting results.

The impact on Wilson

Wilson and convention center supporters are studying the election results for help in deciding when and if they will try again for approval of the convention center. Meanwhile the mayor's supporters and politicians statewide will be looking at the results for indications of its effects on Wilson's struggling gubernatorial campaign.

Despite his solid record of achievement as mayor of San Diego, Wilson ran a dismal fourth in what basically was a four-man race for the GOP gubernatorial nomination in 1978. That put him behind then-Assemblyman Ken Maddy of Fresno, who started the race with even lower name identity and a less advantageous geographical base.

Now the mayor is facing two rivals with statewide positions, higher name identity and the advantage of Los Angeles political bases: Lieutenant Governor Mike Curb and Attorney General George Deukmejian.

The initial analyses of the effect of San Diego voters' rejection of the center proposal on Wilson's statewide ambitions indicate it will not hurt him much. But that was based on the fact that few people outside San Diego were aware of Wilson's strong advocacy of the issue.

Two experienced political campaign managers associated with other candidates agree that the convention center rejection will not hurt Wilson badly. "It's a little hard to read," says Bill Roberts, the political pro who is handling Deukmejian's campaign. "I don't think he lost anything statewide, but he could have lost there in San Diego."

Another experienced campaign operator agreed that most of the impact on Wilson would be felt in his San Diego base. "A number of people I talked to in San Diego, particularly among the business community, viewed it as a defeat for Peter," says the campaign director who asked not to be identified.

Even if the impact is solely within San Diego, it could hurt Wilson, the two campaign experts say, since Wilson has gotten most of his support and raised most of his money in his own city in the past. And eventually the people around the state who make important endorsements and give significant amounts of money to campaigns will hear about how San Diego voters rejected another proposal behind which Wilson had put all of his force. That could shade their opinions of Wilson's political viability, according to the campaign insiders.

Although the final results will depend on the outcome of the upcoming court case, it would appear that the experiment in San Diego may have produced setbacks for both the convention center proposal and Wilson's gubernatorial ambitions. But it could provide a giant step forward in election procedures by reversing the steadily decreasing rate of voter participation and saving scarce tax dollars.

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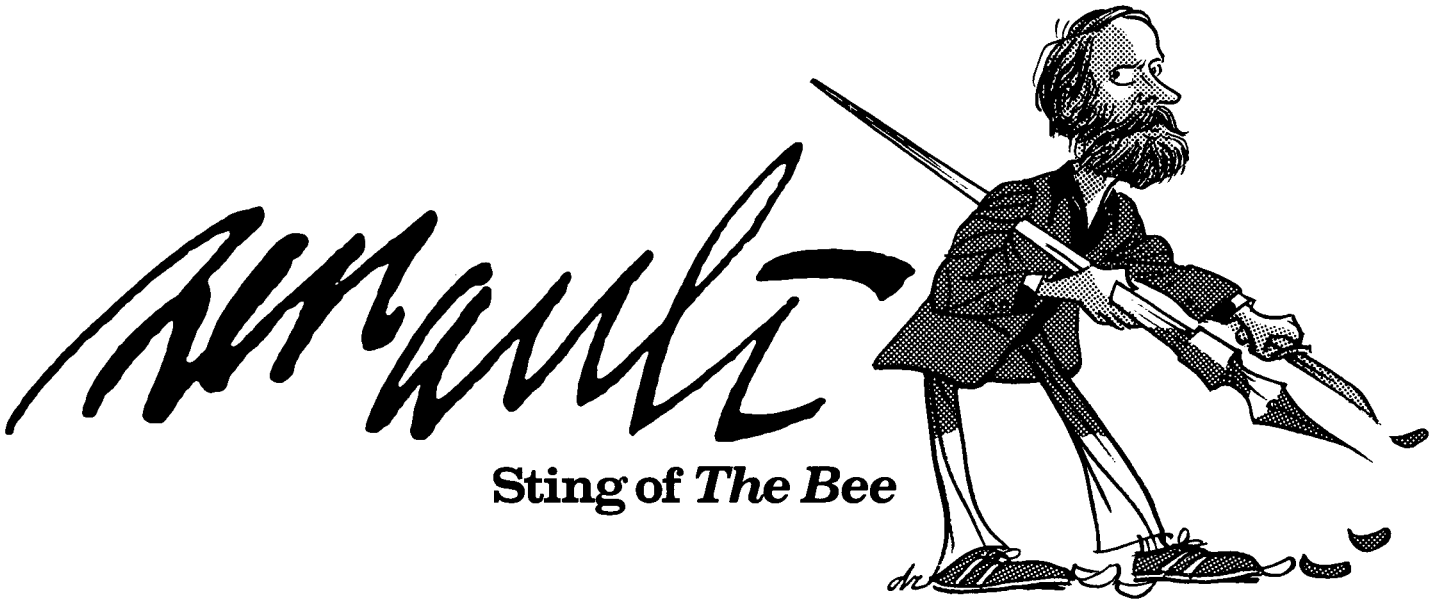
THE CARTOONIST WHO PINNED THE MICKEY-MOUSE EARS ON JERRY BROWN



By PATRICIA A. RUBIN

In the early '60s a young cartoonist working for an obscure tabloid drew a caricature of Richard Nixon with the caption: "Would you buy a used car from this man?" Now, 20 years later, the same cartoonist has turned a pair of Mickey Mouse ears into a well-known image problem for another Californian with presidential aspirations — Governor Jerry Brown.

Both Nixon and Brown have been regular targets for Dennis Renault, 44, editorial cartoonist for the past decade at *The Sacramento Bee*. "I have been incorrectly credited with creating the (Nixon used car) image," he says with a smile. "But I was merely illustrating the joke that was going around at the time."

However, for Governor Brown's "mousketeer" ears, Renault can take full credit. "Those ears have fastened in people's minds almost like nothing else I've drawn," he says. At first he labeled them with the years of Brown's forays into presidential politics, but lately he has dropped the numbers. "I'm hoping people will remember the use, but I think people believe they typify the man."

Tucked away in a small second-story office in *The Bee's* large headquarters, Renault works surrounded by cartoons and stacks of papers. Every weekday morning finds him perched beside his drawing board, studying the daily papers for ideas and inspirations. "Maybe you do approach truth more closely with a drawing than with the written word," he suggests. "It's been said that the difference between an editorial writer and an editorial cartoonist is that the writer will say to readers, 'This seemingly simple issue is really very complex,' and then go on to write two columns of explanation. The cartoonist says, 'This seemingly complex issue is really very simple.' "

Renault, like all political cartoonists, works to make his images stick in people's minds. A successful piece will change and form people's perceptions, he explains. "They will say to themselves that Jerry Brown does indeed have a long nose, and that it gets longer every time he tells a lie," he says. "Hopefully that will stay with people after the paper is thrown out."

Patricia A. Rubin is a free-lance writer in Sacramento.

Looking for a home

Born in Alameda and raised in Salinas, Renault originally wanted to be an animator. But by the time he finished college, with a major in graphic arts and a minor in political science, animator jobs were scarce, so he turned to political cartooning. The Nixon-as-salesman image was his first well-known drawing. For the next 11 years, until he came to work at *The Bee* in 1971, Renault freelanced for newspapers and magazines that included *Playboy*, *Saturday Evening Post* and *Look*.

When Newton Pratt retired after 33 years of editorial cartooning at *The Bee*, Renault applied for the job. Pratt says he liked Renault's work immediately. "I was his advocate at *The Bee*," he recalls. "He was young and had the cartoon intellect — something that is very rare."

Renault's advice to young would-be cartoonists: Find the right newspaper. He spent much of his 11 freelancing years looking for a paper where he would be comfortable, and where he could combine his politics and his art. "There aren't many positions on which *The Bee* and I disagree," he says. "I wouldn't come to work here if I thought there were going to be a great number of disagreements. Many young cartoonists get themselves into trouble by going to work for a paper they don't basically agree with, thinking they will be able to produce cartoons of significance. They cannot, so they become mere illustrators or jokesters and have cartoons with little edge. Otherwise they have to quit or get fired."

Here is how Renault works: He first submits a rough drawing of an idea to *Bee* editor C. K. McClatchy. In most cases it is approved; disagreements between the two have centered mainly on taste. About a year ago *The Bee* ran a cartoon by Renault that showed former President Carter with a footprint labeled "Jewish Leaders" on the seat of his pants. This was after Carter announced that the United

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These are a few of the cartoons selected by Dennis Renault as his favorites.

'BRING IN THE HOSTAGES, I MEAN, THE LEGISLATORS.'

'GOLLY, YOU FOLKS MUST BE LOOKING FOR THE BROWN WHO IS THE GOVERNOR; I'M THE BROWN WHO'S RUNNING FOR THE U.S. SENATE.!'

'IF YOU LIKED MY HOWARD JARVIS, YOU'LL LOVE MY RONALD REAGAN!'

'WE DIDN'T EVOLVE FROM MONKEYS, SIR; WE'VE LOOKED LIKE THIS FOR 10,000 YEARS!'

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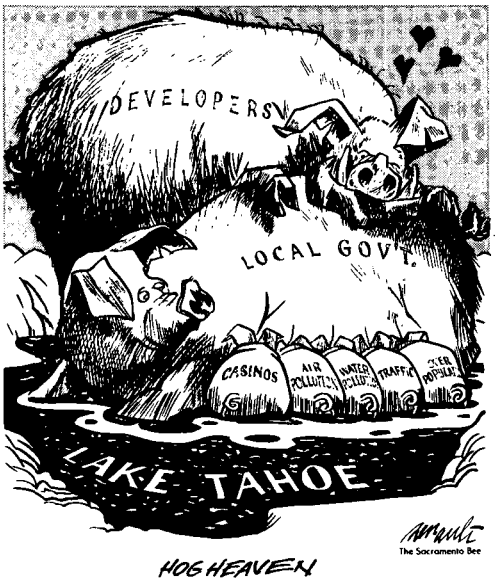
HISPANICS
WILLIAM CLARK
U.S. STATE DEPT. APPOINTMENT
The Sacramento Bee
"THIS ADMINISTRATION ISN'T GOING TO APPOINT JUST ANYBODY; WE DEMAND QUALIFIED MINORITIES."



States had mistakenly voted for a United Nations resolution condemning Israeli settlements on the West Bank. With McClatchy out of town, Renault had submitted his rough drawing to Editorial Page Editor Peter Schrag, who rejected it because he considered it anti-Semitic. He told Renault he could resubmit the cartoon to McClatchy upon his return. Renault did, and the cartoon ran. To protest, Schrag temporarily removed his name from the masthead. In an interview with the California journalism magazine *feed/back* after the dispute, Renault said simply, "I hope this was just a minor incident. Things don't always go as smoothly as everyone would like at a newspaper."

The stereotype detractions

Renault is reluctant to name a favorite target or subject for his penned attacks. "My cartoons are pretty well determined by what is current, by what is on the front page or at least in recent memory," he says. "I don't want to draw cartoons that are remembered solely for a physical description — that's part of the difficulty with the mouse ears on Jerry Brown."

He criticizes the popular press for being enamored with stereotypes like Jimmy Carter's teeth and Ronald Reagan's pompadour. Such images have been blown out of proportion and detract from important issues, he believes.

And what about those days when inspiration doesn't seem to hit? "We publish dry cartoons," he concedes. "That's what happens when you're committed to a regular appearance. I suppose it's easier now than it was 10 years ago." Part of the reason, he suggests, is that perhaps the world is going a little crazier.

Political cartooning for Renault is a public act, a highly visible form of personal expression. "And it's creation," he says. "I open the paper every morning to see whether it came out well. If you did the job right, there are not many comparable experiences."

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Why prosecutors oppose an end to plea bargaining

By KEVIN VALINE

A few years back, the California Legislature passed the highly publicized "use-a-gun, go-to-prison" law. This year there has been a powerful push for the enactment of legislation that might be called the "use-a-gun, really-go-to-prison" law.

In the Legislature's crusade against crime, one of the prime targets has been the practice of plea or sentence bargaining — the granting of a reduced charge or a reduced sentence to a defendant in exchange for a guilty plea. The Republican leadership in the Assembly even threatened in April to put plea bargaining (and several other crime measures) on the ballot next year through the initiative if the Legislature didn't do the job. Specifically, the GOP called for the passage of a bill banning plea bargaining in violent crimes, especially those in which guns are used.

While legislators of both parties seem determined to eliminate or reduce plea bargaining, what does the criminal justice community think of the idea? In a surprising show of unity, both prosecuting and defense attorneys agree that the legislative campaign may in the long run cause a great deal of damage to public confidence in the court system.

The public apparently believes that plea bargaining allows those who have committed heinous crimes to get off with a mere slap on the wrist. That view was reflected in the plethora of anti-plea bargaining bills introduced in the Legislature early this year. Some were directed specifically at violent crimes. Others would ban bargaining in all cases in which probation or suspension of sentence is prohibited. Some bills allowed prosecutors more leeway than others.

Nearly all of the bills limiting the use of plea bargaining carry the endorsement of various law enforcement agencies as well as of the California Peace Officers Association (CPOA). Several also have the support of Attorney General George Deukmejian.

Both sides of the fence

Opposition, on the other hand, is fairly widespread. Not surprisingly, those groups concerned with defendants' rights, like the American Civil Liberties Union, the California Public Defenders Association, and the California Attorneys for Criminal Justice (CACJ), have voiced loud complaints. But some organizations on the other side of the fence oppose the bills as well, such as the Los Angeles County Municipal Court Judges Association, and the California District Attorneys Association (CDAA).

This opposition applies even to a bill by Assemblyman Mel Levine that would require the prosecuting attorney to give at least 72 hours' notice to each crime victim (who so requests) of his intention to enter into a plea or sentence bargain. Non-compliance with this bill, however, would not in any way prevent a prosecutor from agreeing to such a bargain. What would be the effect of a bill with a loophole of such magnitude? Effective or ineffective, judges, prosecutors and defenders agree that these bills are unacceptable.

"It's very rare when you see all of the parties who are directly involved in the process opposed to it (anti-plea bargaining legislation)," says Michael L. Pinkerton, legislative advocate for the California Attorneys for Criminal Justice. "I think that's an indication of how totally wrong-headed all of these proposals are." Pinkerton calls this unity an "ecumenical opposition. We're usually on opposite sides."

According to Steve White, executive director of the District Attorneys Association, the reason for this unified opposition is the political motivation behind current legislation. "A lot of people think that I'd be just delighted about all the interest in the Legislature (in crime), but really, it's not true. There are pluses that I do appreciate, but I frankly liked it better when crime was not such a hot subject. Bills in this area were better written, and we could lobby them on their merits. But now you have people who know absolutely nothing about the criminal justice system drafting bills, many of which are outrageous from a prosecution and a

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defense point of view."

What could be the effects of these bills?

- **Backlog.** One immediate effect could be the increased backlogging of already delayed court calendars. If defendants see no hope of reducing their sentence with a guilty plea, they will, in all likelihood, demand a trial in almost every case.
- **Dismissals.** Another consequence of such a tie-up would be that criminal cases might be dismissed simply because the courts could not deliver the speedy trial required by state law. If the only justification for plea bargaining — or "case settlement," as district attorneys prefer to call the practice — were to allow the courts the time to try the most serious cases, that would be reason enough for White. "Realize that we're talking about a tremendous volume — 110,000 cases filed a year, and those figures are three years old — of just felony cases. So we just can't possibly try all those cases."
- **Rigidity.** The CDAA's chief complaint with the anti-plea bargaining bills is that they attempt to take the flexibility out of the system. In many instances, by the time a criminal case comes to trial, evidence for some of the charges may be weak or testimony from witnesses may be difficult if not impossible to obtain. Unexpected developments can arise, turning the pursuit of a conviction into a hopeless venture. Or a defendant may be willing to plead guilty to fewer counts and the sentence for those counts may seem adequate to both judge and prosecutor. In all of these instances, proposed legislation would prevent the prosecutor from obtaining desirable convictions through plea bargaining.

Take a shooting incident in Sonoma County, where plea bargaining has been severely limited in felony cases. The defendant allegedly shot five people with a sawed-off shotgun, killing one. With the "use-a-gun, go-to-prison" law in effect, a prison sentence was mandatory. The defendant, it was learned, had prior convictions, including a rape. As District Attorney Gene Tunney puts it, "It was a classic case; put the guy away." But by the time the case reached trial, the prosecution discovered that all of the witnesses, being illegal aliens, had fled the country. One further complication involved the possibility of a self-defense allegation, as one of the victims had been found outstretched with a knife in his hand. A conviction seemed hopeless. "We got to the point where we had to put up or shut up," explains Tunney. "We offered the guy voluntary manslaughter, a gravely reduced charge. We could have lost the trial or dismissed it. Instead we put the man out of circulation for five or so years." One example of plea bargaining as a means of avoiding costly trials can be found in a case settled in Sacramento earlier this year. The defendant had been charged with burglary, rape, oral copulation and sodomy involving five separate incidents. By pleading guilty to the sex offenses related to four of the incidents, the defendant bargained with the prosecution to dismiss the charges involving the fifth victim. The result was a prison sentence of 48 years and 8 months, the longest sentence currently being served in a California prison.

- **Deception.** Perhaps the most persuasive argument against efforts to ban plea bargaining is that they won't work. As Pinkerton of the CAJC explains, "The Legislature can't stop it, because the system won't tolerate it (the absence of plea bargaining)." Both prosecutors and defenders acknowledge that there are many methods of obtaining the same results that plea bargaining does. The charging attorney in the district attorney's office can undercharge an offense, so that by the time the case reaches trial, the defendant can plead guilty to an offense less serious that the one he actually committed. An assault with a deadly weapon might be reduced to simple assault if use of the weapon appears too difficult to prove. As DA Tunney warns, banning plea bargaining means that "you're stuck with those charges that you file (to Superior Court). So you tighten up drastically on your charging, or you begin undercharging." Another method can be used in the courtroom. Prosecutors can arrange acquittal on one of several charges simply by failing to offer evidence for the offense.

A public window

So what can be done? "The first thing we need to do to restore public confidence in the system," advises White, "is to give them a window to it." Such a window, the district attorney's association says, could be provided by a bill (AB 632) that would require the prosecutor to place on the court record a statement explaining the reason for any amendment or dismissal of a charge.

The CDAA, which backs this bill, feels that putting these reasons on the record will bolster public confidence not only by showing that the practice makes sense in certain instances but also by discouraging bargains that cannot be justified. As DA Tunney explains, "From the public standpoint, the worst thing about plea bargaining is that it is done behind closed doors."

Usually, these closed doors conceal the work of not only prosecutor and defender but also the judge. The only other bill in this area which has the support of the CDAA is AB 877. It would have no effect on plea negotiations between the prosecutor and defendant's counsel, but it would prohibit a judge from being party to their discussions.

"The concern," says White, "is that a significant number of judges are very interested in moving calendars and pressuring. They get in there and start really bargaining. The idea is to get the judge out of the picture. He should just review the case brought before him for sentencing. That's the role of a judge, not (as) an advocate."

Despite the DA Association's opposition to bills prohibiting plea bargaining, district attorneys in several counties have been limiting its use for some time. Sonoma County DA Tunney, having campaigned against plea bargaining abuses by his predecessor, restricted its use more than four years ago. The result for the first year was a 33 percent increase in jury trials. The trial rate for subsequent years leveled off "as soon as the defense counsel got used to it." Ventura County DA Michael Bradbury banned plea bargaining in March 1979. Bradbury claims that the ban has made Ventura the toughest-sentencing county in California. Plea bargaining bans are also in effect in Contra Costa, Alameda, San Mateo and Marin counties.

What does a plea bargaining ban mean in these counties? Basically, district attorneys declare that the defendant must plead guilty to the most serious offense charged or else go to trial. In multiple-offense cases, the defendant must plead guilty to those offenses which most accurately describe his or her conduct, but he or she is not necessarily required to plead guilty to all of them. Details vary from county to county; in some the ban does not apply to misdemeanor cases. What does not vary, however, is the fact that each DA reserves the right to plea bargain when circumstances require it.

None of the DAs from these counties is supporting the anti-plea bargaining bills now in the Legislature. Even one of the chief supporters of the bills — the California Peace Officers Association — admits that it doesn't really believe in their effectiveness. According to CPOA lobbyist Al LeBas, his group's endorsement is of a "philosophical" nature. Aware of plea bargaining abuses, policemen would like to see the system tightened up, but "I don't think there's a policeman around who's an absolutist about eliminating the practice. Philosophically, it's a hell of an idea, but practically, it may not be such a good one."

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The battle over beer, last vestige of fair trade

By PHIL SMITH

Beer conjures up images of Saturday afternoon softball games and Sunday rafting trips down the river. But beer and the price of beer are also hot political issues in Sacramento this session. A bill moving through the Legislature has consumer groups aroused and fighting; they claim it would keep the cost of a six-pack higher than it should be.

The bill is AB429 by Assemblyman Frank Vicencia, who authored it for Paul De Nio, executive vice president of the California Beer Wholesalers Association, one of Sacramento's most potent lobbying forces. The bill is strongly backed by the California Retail Liquor Dealers Association, representing the so-called "mom-and-pop" retail operations, and it also has a nod of approval from the brewers.

If passed, Vicencia's bill would prevent the deregulation of beer sales and keep the larger supermarket chains from getting a carload of beer at a rate cheaper than the price that small retailers pay for a single case.

At issue is Rule 105 of the Alcoholic Beverage Control Act, which bans retailers from buying large quantities of beer at a discount and requires manufacturers, importers and wholesalers to post prices with the state Alcoholic Beverage Control Department. But the same practices that Rule 105 requires of the beer industry have been rejected by the state courts and U.S. Supreme Court for the wine and distilled-spirit industries. The courts said price-posting and the ban on quantity discounts violate the Sherman Anti-Trust Act. Beer is the only remaining food-type item that is sold and distributed under the protective umbrella of "fair trade."

Baxter Rice, head of the ABC, fearing that Rule 105 also violates the anti-trust act, has announced that the rule will be eliminated, effective January 1st. AB429 is the beer industry's response to Rice's plans, and it has a powerful ally in Vicencia, who is chairman of the Assembly Governmental Organization Committee and a long-time friend of the liquor industry. Not only would AB429 retain 105 and make it a statute rather than a regulation; it would also add a few other benefits for wholesalers and small retailers:

- **The bill would require** a brewer to designate a single wholesaler to distribute the company's beer in a certain territory. Currently, brewers are required to designate territorial limits within which each authorized wholesaler may sell beer to retailers, but these territories can overlap, thus creating competition among wholesalers on the same brand of beer.
- **Wholesalers** would be required to provide certain quality-control services, such as rotating and replacing stock and maintaining equipment in retail outlets. The law now says that wholesalers may provide such services, but they are not required to.

Critics of AB429 — including California Common Cause, Consumers Union and the California Grocers and Retailers associations, which represent the larger grocery chains — say the bill would set up a state-policed beer monopoly that would be even further protected from competition. But these groups face some of the stiffest special-interest competition in the Capitol. Industry forces are led by James Garibaldi, a former judge and assemblyman who represents the Wine and Spirits Wholesalers. For several years the highest-paid lobbyist in Sacramento, earning about $250,000 per year, Garibaldi also is regarded as one of the most powerful. In the early 1970s, Garibaldi almost succeeded in wiping out the liquor rectifiers, people who buy large quantities of alcohol, color it or flavor it, then market it to, say, a large supermarket chain for sale under its own label. The rectifiers were conducting a $75 million-per-year business. It took a whistle-blowing reporter and subsequent veto by then-Governor Ronald Reagan to thwart Garibaldi.

The alcohol industry's greatest success has been in keeping state excise taxes on its products among the lowest in the nation. The last time the tax was raised on any alcoholic beverage was in 1967, when it went from $1.58 to $2 per gallon on distilled spirits. Beer taxes have held at 4 cents a gallon since the 1940s, and wine taxes have not budged from 1 or 2 cents per gallon since the 1930s. Of the 33 states that license the sale of alcoholic beverages, California ranks 21st on distilled spirits taxes, 31st on beer taxes, and dead last on wine levies.

"It's difficult to explain," says Walter Zelman, executive director of California Common Cause, "but the liquor interests have had an inordinate amount of influence over the Legislature."

One of the committees that is most important to the alcohol industry is Vicencia's panel, since it hears most of the industry's bills. In a study released the day AB429 was passed in the Assembly, Common Cause noted that propo-

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nents of the bill — the California Beer Wholesalers Association, the California Retail Liquor Dealers Association, Wine and Spirits Wholesalers and the Malt Beverage Industry — contributed $32,925 to committee members between January 1st, 1979, and March 31st, 1981. Vicencia was one of the biggest recipients, getting $4,700. Opponents of the bill — the California Grocers Association, the California Retailers Association and the Certified Grocers Association — contributed only $19,425 to the committee during the same period. In the first quarter of 1981, proponents of AB429 contributed $27,950 to legislative incumbents, while opponents contributed $5,450. Common Cause

Officials at the ABC say that AB429 would saddle them with more regulatory responsibilities. "We don't want to be involved with industry regulation," says Ken Byers of the department's legal division. "If they want private contracts, okay — as long as we don't have to enforce them." Rice concurs. Speaking of the attempt to continue the ban on quantity discounts, he says, "It's not the role of government to tell someone they can't discount their business."

It is the pricing mechanism in AB429 that consumer groups are hitting hardest. "This ban on quantity discounts to retailers is a big ripoff to consumers," Miller says. But De Nio denies that consumers would necessarily benefit if retailers were allowed to buy large quantities of beer at a discount. "There's no guarantee that these savings would be passed on to the consumer," he says.

Representatives of the large retailers insist that consumers would benefit if quantity discounts were allowed. Karl Stein of Farmers' Markets says, "At least it gives us the chance to try to reduce beer prices." He says shelf prices of wine and distilled spirits have decreased since fair trade laws affecting them were overturned in 1978, if inflation factors are considered.

The beer wholesalers claim they are caught in the middle on the quantity-discount issue. Current state law allows retailers to buy directly from brewers, but De Nio says that since there are no quantity discounts, few do because there would be no savings. But he says all that would change if quantity discounts were allowed. "If you were a retailer and could buy beer at a big discount directly from the brewer, wouldn't you bypass the wholesaler?" he asks.

The bill's critics contend that wholesalers may actually hurt themselves by cutting to one the number of distributors that can sell a particular brand of beer in a given territory. The beer wholesalers' association alone has 206 members, and opponents say there would be fewer pieces of the pie to cut up under AB429. "The small distributor could not survive," says Frank Carroll, executive vice president of Beverage Distributors Incorporated of Union City, a small wholesaler. "He would not be given a territory." Harry Snyder of Consumers Union agrees: "This bill would benefit only about a dozen wholesalers in California."

There are two other major issues raised by AB429:

- Why should wholesalers be required to maintain "quality control" over beer displays?

De Nio says such services are necessary because of the long distances some beer is shipped in comparison to, say, milk, which usually is produced in the area in which it is sold. "The retailers can't be overly concerned about the quality of beer," De Nio says. "They have too many other products on their shelves to be concerned about just one." Donald Beaver, president of the California Growers Association, scoffs at that idea. "We'd be out of business if we didn't maintain fresh stocks on the shelves," he says. Beaver points out that beer has a shelf life of up to 120 days, so "if the beer people are so worried about quality, why don't they date the cans?"

Snyder of Consumers Union thinks the real reason for the quality-control provision is to give the beer industry a leg to stand on in court should AB429 be challenged. The ABC laws are based on the protection of "the safety, welfare, health, peace and morals of the people." According to Snyder, if AB429 lands in court, its supporters could cite the quality-control provision in arguing that the measure is aimed at health and welfare purposes, not at reducing competition.

- Would small retailers suffer without AB429?

The wholesalers have tried to convince the "mom and pop" stores that they have a big stake in AB429, and apparently they have succeeded. "We need this bill to survive," says Dante Trolio, lobbyist for the California Retail Liquor Dealers Association. The small retailers fear that many of them will be forced out of business if the beer industry is deregulated. They reason that if the large stores can buy large quantities at a discount, the "mom and pops" won't be able to compete. Vicencia says he was thinking of the economic well-being of the small retailers when he drafted his bill. "It is exactly because of regulation that the small stores have been able to stay in business," he says.

Opponents cite a recent study that says small businesses actually have a 55 percent higher failure rate in fair trade states than in others. "Besides," says Common Cause's Zelman, "the 'mom and pops' don't compete on the basis of price anyway — they sell convenience." What about forming co-ops? Currently, it is against the law for small stores to band together to buy large quantities of beer. (The same is not true for wine and distilled spirits). But Zelman claims that if the beer industry were deregulated, such a restriction would be lifted.

An uphill struggle

Despite growing publicity against AB429, critics of the bill face an uphill struggle in the Senate. The 64-6 vote in the Assembly generated a lot of momentum, and the first hearings will be before the Senate Governmental Organization Committee which is chaired by Ralph Dills, a longtime friend of the liquor industry.

Liquor lobbyist Garibaldi has a great deal of interest in the bill. In 1979 he pushed through a measure that would have prevented retailers from circumventing wholesalers by buying liquor in states where the price was lower. That bill (AB499) would have required makers of distilled spirits to designate a single distributor in each territory, as is the case with AB429. The bill was overturned by the lower courts, but Garibaldi is hoping he can persuade the U.S. Supreme Court to see things his way. He thinks passage of AB429 would bolster his case, because he could argue it was the definite intent of the Legislature to require sole distributorships.

Should AB429 clear the Legislature, its opponents will urge Governor Brown to veto it. Brown has adopted a generally pro-consumer stance while in office, and his administration, in the person of Rice, has argued against the bill in the Assembly. But Brown allowed AB499 to become law without his signature.

According to Zelman, Brown might face a hard choice should AB429 reach his desk. Because the bill has become such a hot consumer issue, he will be under a lot of pressure to veto it. But the governor may run for the U.S. Senate next year, so he will have his eye on potential contributors. Zelman likes to recall that Brown vetoed an attempt last year to continue regulation of the trucking industry. "AB429 is almost a mirror image of that measure," he says.

If Brown allows AB429 to become law, it will almost surely face a court challenge. Since quantity discounts have been allowed on wine and distilled spirits, AB429 would appear to be on shaky ground. And the section requiring brewers to designate one distributor for a territory also would appear questionable, based on the courts' rejection of Garibaldi's earlier bill.

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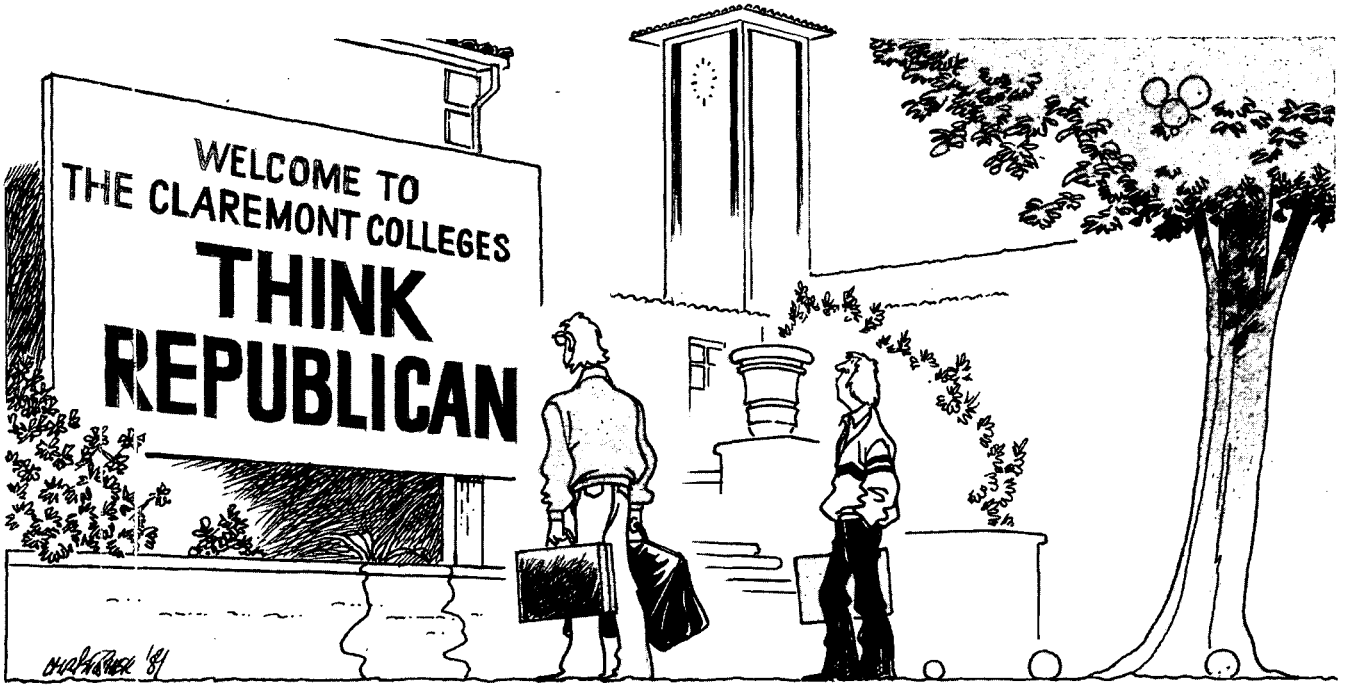
The GOP think tanks at the Claremont Colleges



By WILLIAM GREENBURG

Tucked away just north of the San Bernardino Freeway, about midway between Los Angeles and San Bernardino, there lies an enclave of small, privately endowed institutions called the Claremont Colleges. They include five undergraduate schools in the arts and sciences and one graduate faculty. And from these academic halls is emerging a stream of conservative political and economic research and writing that is establishing Claremont as the state's Republican think tank for the '80s.

College officials are uneasy with the suggestion of partisan tilt in their intellectual output. But under the umbrella of Claremont Men's College — the school in the group that concentrates on political science and economics — five research institutes and one consulting firm have been created in the past decade, all compatible with the conservative-minded foundations and individuals which help to support them. They include:

- **The Claremont Economics Institute.** Started as the Applied Financial Economics Center as a part of Claremont Men's College, CEI is now a private consulting firm affiliated with the school. A repository of classical conservative economics, CEI has close ties with the Reagan Administration.
- **The Center for the Study of Law Structures.** It is concerned with how changes in laws pertaining to financing affect legislative behavior. (Translation: a tax-limitation movement.)

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- **Salvatori Center for the Study of Conditions of Freedom in the Modern World.** Its main areas of study are American political theory and business and political ethics.
- **Institute for Decision Science.** The smallest of the group, this one deals in the theory of mathematical probability in problem analysis.
- **The William M. Keck Institute for International and Strategic Studies.** The newest institute, its focus is currently being formulated.
- **The Rose Institute of State and Local Government.** This is the best-known facility, largely because its computer-based operation has moved into the middle of the highly political rites of legislative reapportionment based on last year's census.

In charge of the institutes is the vice-president of public affairs research at Claremont Men's College: Dixon Arnett, former Republican assemblyman from Redwood City. Arnett clearly enjoys the hybrid world of academic research and public policy. "As a practical matter, I have little to do with CEI because it is now a private firm," he says. "I devote most of my time to the Center for Law Structures and particularly to Rose. Their visibility is higher these days," he adds with a grin.

Arnett is sensitive about the charge — particularly concerning the Rose Institute — that the institutes are arms of partisan politics. "We are aware of the tax-exempt criteria," he says. "What we do must be open and available. It must withstand judgment by others, such as the news media."

When Claremont Men's College President Jack Stark took over in 1970, Salvatori was the only institute at the school. But the institute concept expanded quickly because

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of its value in attracting faculty, allowing undergraduates to work in areas usually available only to graduate students and providing a vehicle to raise money. Also, Stark says, the institutes "increase our visibility — allow the college to speak out on public policy concerns."

The first new facility started was in economics (to become CEI) and was funded by the college. Its purposes: research plus an economics advisory service for financial institutions, thus attracting businessmen to the campus. The institute expanded rapidly and bought the college out. Stark, who sits on the CEI board, says that the college still maintains a stock interest in CEI.

The Rose Institute was established to study units of state and local government. "We decided to look into reapportionment, and we have been gearing up for that for 10 years," Stark says. Several gifts supported that "gearing up" until a sizeable contribution (Stark declines to specify an amount) came from Edessa Rose of San Marino.

The Institute for Decision Science was started by Claremont mathematics professor Janet Myhre, with initial support from the college. It now does contract research, including work for the Navy, the Environmental Protection Agency and other government agencies. The Center for Law Structures was also a faculty idea, funded by foundation grants. The Keck Institute received its first grant last December from the Keck Foundation, established by Superior Oil. (Again, Stark declines to identify the grant amount.) Stark is not specific about what areas of research the Keck Institute will delve into — only that it will have a strong teaching component and then establish a "research and visibility" program.

Setting the pattern

How do the institutes operate? Here are some elements that set the pattern:

Salvatori — George Benson, first president of Claremont Men's College, is now the director of the Salvatori Institute. "We are of non-partisan affiliation; we are engaged in sheer scholarship," he says. "We don't spend much time advertising ourselves." Benson says the major focus of the Salvatori Institute is on the role of ethics in a free society. But the institute also supports the research of Claremont political scientist Harry Jaffa, considered one of the nation's leading conservative political theorists. The institute was funded by a $1 million endowment in 1968 by Henry Salvatori, a retired industrialist and long-time friend of President Ronald Reagan.

Law Structures — Craig Stubblebine, Von Tobel professor of political economy and director of the Center for the Study of Law Structures, says that the founding of the center in 1976 coincided with a contract from the Tax Limitation Research Foundation of Loomis, California. "Since that time, we have engaged in research on the tax limitation issue. As a center we stand ready to cooperate with and counsel those who would like to draft or oppose (tax limitation) legislation and amendments," Stubblebine says. (He concedes, however, that the center has not received any contact from persons who oppose tax limitation measures.) The center was started with a $35,000 grant from the John M. Olin Foundation, a grant which it has received annually since then. A sizeable gift (Stubblebine won't say how much) also was received from the May Foundation, which is part of the Scaife Family Trust of Pittsburgh, associated with the Carnegie-Mellon Foundation.

"The true tax limitation movement goes back to Proposition 1 in 1973 (the unsuccessful measure sponsored by Governor Ronald Reagan)," Stubblebine explains. Since that time Stubblebine has been closely associated with the movement. He served on the governor's task force for Proposition 1, and he was on the drafting committee for Proposition 4, the successful 1979 initiative sponsored by Paul Gann. The center has provided counseling on the implementation of Proposition 4 and has assisted in the drive to add a tax-limitation amendment to the U.S. Constitution. The center and the Hoover Institution will sponsor a conference at Stanford in July on constraining federal spending.

Economics Institute — The only group that is not on the Claremont campus, CEI is housed in its own building in downtown Claremont, near the colleges. Senior economist is Michael J. Bazdarich, 32, one of six full-time economists

Newsmakers

Angel's choices

The big winners in last month's Los Angeles municipal elections were City Attorney **Ira Reiner** and City Controller **James Kenneth Hahn** . . . Maneuvering is already under way among those who seek to replace Mayor **Tom Bradley,** who intends to run for governor . . . **George Nicholson,** senior assistant attorney general, is planning to run to succeed his boss, Attorney General George Deukmejian. Nicholson, 40, will have the support of state Senator H. L. Richardson's Law and Order Campaign Committee . . . George R. Reilly of San Francisco, who is retiring from the state Board of Equalization, is campaigning on behalf of his aide, **A. John Shimmon.**

Peter M. Finnegan of San Francisco was appointed to the California Community Colleges Board of Governors by his boyhood friend, Governor Brown. Finnegan will be replaced as chairman of the Alcoholic Beverage Control Appeals Board following confirmation of his new appointment . . . **Fred Wade,** 53, a member of the state Fair Political Practices Commission and a former Sacramento County supervisor, was found dead sitting in his car inside his garage.

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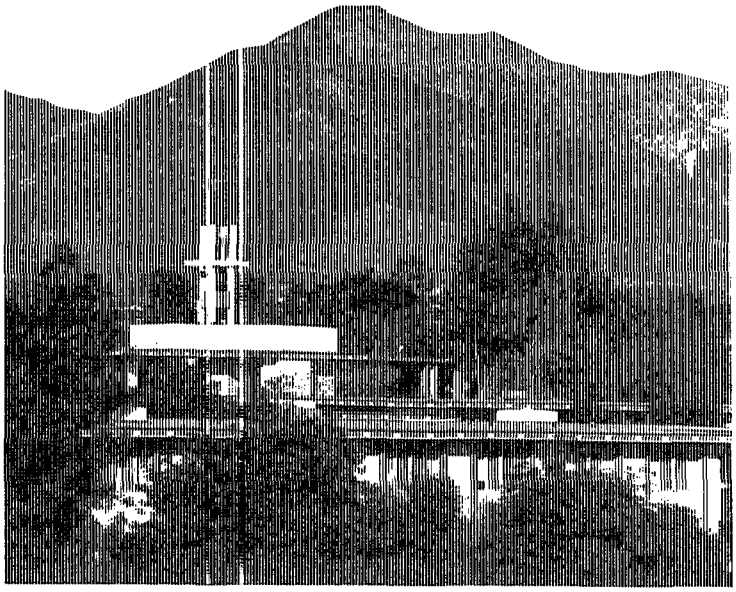
at Claremont CEI will soon open a Washington office of about the same size. During the presidential transition, CEI worked in Washington for the Reagan team for no charge. "Since then, we have signed a contract with the Office of Management and Budget for consulting services, and we anticipate doing work for other (government) departments," Bazdarich says. (A public affairs spokeswoman for OMB in Washington confirms a one-year CEI contract for $55,000.) But CEI does not just work for the government. An information sheet describes CEI as a "forecasting and consulting firm providing political and economic intelligence, investment advice and corporate planning support to more than 100 corporations in the United States, Europe and the Middle East." CEI is headed by John Rutledge, who received his doctorate in economics from the University of Virginia in 1973.



Politically involved

Clearly the most controversial and politically involved of the institutes is Rose. It is headed by Director Alan Heslop and Associate Director Thomas Hofeller, both described by Claremont President Stark as having "strong and historical Republican ties." The groundwork for the institute's redistricting project may have been laid during the '70s, but the money came in a $600,000 grant from the California Roundtable, a statewide organization of business and industry leaders. Two other gifts came from business interests: The Hewlett-Packard computer used by Rose was a present from the electronics and defense manufacturer, and a sophisticated photo-electronic instrument — capable of reproducing intricate maps and printouts — was given to Rose by the Fluor Corporation, the giant construction-engineering firm.

Rose maintains an extensive file of news accounts written about its operations and about redistricting. It also keeps a list of all journalists, scholars, politicians and other persons who have visited the institute. Such efforts and a major media campaign have been made possible by another benefit not counted in the $600,000 grant: The Roundtable hired the Los Angeles public relations firm of Cerrell Associates, Incorporated to assist Rose in getting its message across.

That message is delivered often, at service club luncheons, in news releases and in slide presentations for civic groups around the state. Speakers representing Rose insist that their work is non-partisan, designed only to keep the state Legislature's redistricting efforts honest.

"Some in Sacramento don't want data made available to the public," Hofeller said at a recent Kiwanis Club luncheon in San Bernardino. "If the majority (Democratic) party can't stand scrutiny, that's their problem," he added. Hofeller also charges that the Rose Institute is being subjected to a punitive audit by the state Franchise Tax Board; he labled the audit "harassment."

Director Heslop goes further; he believes there is a singular pattern of interference from Sacramento to "close us down." The Franchise Tax Board declines comment on the charge. But Heslop admits he is enjoying the institute's involvement in redistricting, despite the political repercussions. "I've never been happier than in the last five months," he says. "We are in the midst of an academic research project that will have a major public payoff. Those who oppose the Rose Institute will find themselves against the public interest."

Heslop and his colleagues insist that their research and data are neutral, untainted by partisan politics. The institute's statistics are available to all, for a price or free, depending on who wants it. Candidates must pay. "We have sold data to candidates of all kinds and stripes of the political rainbow," Arnett says. They can receive printouts of how any district voted in previous elections and specific demographic information on any constituency. Fee for an Assembly district: between $250 and $300; for a congressional district: about $500.

Also available from Rose, at no charge — to interested organizations or the media — are model plans and Rose analyses of what the Legislature is doing on redistricting. Other researchers can use the data gathered by the institute with their own computer models for redistricting, according to Arnett. Common Cause, the public-interest lobby, and the Pacific Legal Foundation, the Sacramento-based conservative public-interest law firm, have been invited to scrutinize institute data and models, he says.

Wooing Chicanos

Building on its contacts with Chicanos who have earned doctorates in political science at Claremont, the Rose Institute has been vigorously wooing the state's fastest growing ethnic group as part of its redistricting project. Institute representatives describe what they say is a prevailing sentiment in the Chicano community: that the Democrats have taken their votes for granted. Richard Santillan, who holds a doctorate in political science from Claremont, teaches at Cal Poly Pomona and is director of the Hispanic Project at Rose. Santillan is also the author of a 44-page study, "California Reapportionment and the Chicano Community," published by the Rose Institute.

Santillan says the institute gave a lunch and seminar for Hispanic leaders last year. About a week later, he was asked to head the Chicano reapportionment project. "I was well aware that the Rose Institute was conservative Republican, but I felt that they had something to offer," Santillan recalls. After assurances that Rose would not interfere with his work or upstage the Chicano project, he went to work at the institute. "The only way we could make the Democratic leadership sensitive to the Chicano community was to work with other groups," Santillan says. He believes that Democrats have divided Chicano voting strength in the past to assure Democratic victories in several districts. Using Rose Institute data, he hopes to promote redistricting that will strengthen Chicano candidates' chances.

"There will be several model plans developed, including an Hispanic model plan and a general California model plan," promises a recent memorandum to news editors and editorial boards from Cerrell and Associates, Rose's PR firm. They will be produced, the memo says, by "a bi-partisan team of scholars."

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Brown's push for risk in pension-fund investments

By J. A. SAVAGE

Around the state Capitol, reports from various appointed task forces are so numerous that they usually produce ho-hum reactions when they're released. A fancy cover, a list of distinguished members and an accompanying press release are rarely enough to get most of such documents out of the file-and-forget category.

But this spring, an interim report from a Governor Brown-appointed committee caused ripples of interest and concern in corporate offices, investment houses and board rooms across the country. The authors advocate a major departure from the traditional methods of investing the state's enormous public-pension funds. More than $20 billion of assets are at stake. In fact, California controls about as much pension money as is invested by one of the nation's largest banks, Citibank of New York.

Obviously there is a long road from recommendation to reality. New legislation and probably constitutional amendments would be required. But the potential for massive impact on the investment world has made the Pension Investment Task Force Report a must-read item for business and government leaders alike.

The 28-member committee, created by Governor Brown last year, calls for a major portion of public-pension funds to be used in investments that would result in the "public good." It proposes to invest billions in "innovative investments" such as affordable housing, alternative energy and small business. Governor Brown has concurrently proposed other changes in investment policies. Early reaction to the whole idea has ranged from enthusiastic support to incredulity among conservative investment leaders. Blue-chip corporations which traditionally benefit from pension-fund investments are understandably dubious.

The state's $20 billion is about 3.5 percent of the estimated $600 billion that is tied up nationwide in public and private pension funds. This huge pot has been deducted from state and other public employees' paychecks and put into the state-managed Public Employees' Retirement System, the State Teachers' Retirement System, and the University of California retirement system. The collected monies, about $11 million a day, are now invested primarily in long-term bonds issued by the country's blue-chip corporations and public utilities.

New investment strategies are being considered because public pension funds have been gaining clout in both the traditional business arena and in their influence in politically charged business issues. In inflationary times, the funds are much coveted by industries suffering from an increasing scarcity of capital. Business is also worried about losing capital that has been exclusively in its investment domain.

Several controversies over pension policies have surfaced in the past few years:

- Students from the University of California have argued that the state-managed UC pension fund should not be invested in corporations that do business in apartheid South Africia.
- In 1979, California used its $200 million worth of shares in General Motors, which manufactured tanks for South Africa, to express the state's displeasure with the corporation's policies.

- Last year, there was also controversy from members of the Public Employees' Retirement System when it was made public that $20 million of their retirement money had been invested in construction bonds for the Three Mile Island nuclear power plant. PERS members noted that not only was their money invested in a partially melted piece of radioactive real estate in Harrisburg, Pennsylvania, but that nuclear-operating utilities are, in general, a poor investment.

Opponents of such investments, including the United Professors of California (AFL-CIO), have asked that investments made with public money be socially responsible as well as profitable. But investment managers have never before attempted to use state pension money for any ambitions such as the "public good." Their funds were expected simply to pay the members' retirement benefits. Even that goal has been made more difficult by double-digit inflation and changing market conditions.

Pension-fund managers, who by definition are conservative investors, tend to rely on standard investments, wary that any risk increases the danger of loss. By contrast, the task force insists that an innovative investment strategy will not increase the risk to the fund — at least not much — and may actually improve returns.

More than philosophy

It would take more than a philosophical adjustment among pension-fund officials to accommodate the proposed "innovative investments" plan. The state constitution requires such funds to be invested in corporations with assets

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Innovative pump priming

California's pension-fund officials aren't the only ones who are talking about investments with purposes beyond profits. Unions such as United Steelworkers and the International Machinists have been channeling some of their pension funds into investments that are kept in the United States to create jobs for union members. The state's "innovative investment" proposals would seek to encourage growth in small businesses, alternative energy projects and affordable housing.

Small business

The Pension Investment Task Force proposes to channel some public pension funds into small businesses, ones with fewer than 500 employees. "We're not talking about hamburger stands, but (about) wealth-producing assets," says Nathan Gardels of the task force staff. Smaller businesses are more labor-intensive and provide more employment than the traditional investments in capital-intensive corporations, he says.

The method would involve federally insured Small Business Administration loans, bought from the federal government and targeted for businesses located in California. One state, Kansas, already has such a program. This proposal is the most easily accepted by pension managers, mainly because the rate of return on SBA investments is high.

Alternative energy

This proposal would involve a secondary loan package called Sunny Mac. Sunny Mac (California Solar and Energy Conservation Mortgage Corporation) would be patterned much like the federal loan programs of Ginny Mae (Government National Mortgage Association) and Big Mac (Municipal Assistance Corporation for New York). Sunny Mac would not make direct loans itself, but would purchase loans from other institutions through the secondary loan market. For example, if a property owner wanted to install a solar heating system, that person would apply for a loan at a bank or savings and loan institution. When the loan was approved, the financial institution would then sell it to Sunny Mac, then repeat the process. The pension fund would buy packages of such loans from Sunny Mac.

Affordable housing

There are two proposals to increase affordable housing by putting pension fund money into the California housing market. The first proposal, known as Cali-Mae, would put together packages of California real-estate loans from lending institutions. The other, more ambitious program, would be a two-tiered loan agreement. The original land and building capital would come from the California Housing Finance Agency at below-market rates since its money is raised through tax-exempt bonds. Then the pension fund would loan money to buyers at low-interest rates. In order to qualify, a buyer would have to agree to make the resultant housing "affordable" and must refrain from turning the units into condominiums for "life or 15 years." The Pension Investment Task Force would also like to see an "equity kicker" in this agreement which would allow the fund to share in the appreciation of the property in which it has invested.

of more than $100 million, and then only if those corporations have returned dividends for eight consecutive years out of the previous decade. The constitution also mandates that only 25 percent of the funds may be invested in the currently more-profitable stock market. This means that the largest amount to be invested goes into the bond market.

Such restrictions were originally enforced to strengthen public confidence in the funds' investors. But, given the current inflationary trend, the limits appear to be working against the public interest. Nathan Gardels of the task force staff explains it this way: A bond bought with public money at 6 percent in the last decade will be worth about one-half of the original investment when the bond matures in the year 2000.

In addition to constitutional limits on pension-fund use, there are legal restrictions which Governor Brown wants to change. For example:

- **The governor** proposes that at least 1 percent of the funds could be used for high-risk, and potentially high-return, venture capital. This might be used for computer hardware manufacturing, one of Brown's pet industries.
- **He requested $400,000** in the state budget to establish an investment staff under the Office of Planning and Research. This staff would have been responsible for a two-year plan to implement new investment strategies. But the budget allocation was criticized as superfluous by Legislative Analyst William Hamm and Chief of Investments Melvin Peterson and cut by a Senate subcommittee.
- **His most far-reaching proposal** would be to lower or strike the $100 million asset requirement. This would enable investors to invest in corporations with success potential but limited assets.

Not all official reaction has been negative. The pension fund administrative board, which tends toward conservative investment policies, agrees with the governor on seeking more liberal constitutional policies. If approved by the Legislature, the constutition revision would also have to be approved by voters.

The task force goals of investing in small business, alternative energy and affordable housing would be more easily attained with the constitutional changes. But even if there is no change, the task force has proposed some methods of investing public money in socially responsible areas with high rates of return. (See box.)

Federal attention

The state is not alone in scrutinizing the investment of public and private pension money. As the largest pool of investment capital in the nation, pension funds are getting new attention at the federal level, where President Reagan's staff is discussing the use of private pension funds for revitalizing industry — even though Reagan said during his campaign that government use of the funds could jeopardize the funds' security.

But the federal government is not likely to follow California's proposed lead into an innovative-investment strategy. "What the investment world thinks of us?" Chief investor Peterson laughs heartily as he repeats the question. "Shall I say they use words that are less than favorable for what goes on out here?"

According to task force leader John Harrington, pension-fund managers have been fighting the new investment approach, both from tradition and from an overriding concern for the yield factor. "The most important thing is that (an investment) maximizes yield to its beneficiaries," he says. But as long as an investment strategy is well thought out, it can accomplish many other good things, Harrington adds. "Then it is okay to give preference to the state economy and to socially responsible investments."

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ROLL CALL

The abortion confrontation

What will it take for the abortion issue to be placed to rest before the state Legislature? The state Supreme Court earlier this year, it seemed, handed down a definitive opinion requiring that the state pay for abortions for those on Medi-Cal. But the Legislature apparently isn't willing to implement the ruling of the state's highest court without a struggle. During the preliminary maneuvering on the state budget, both houses of the Legislature adopted amendments to the annual appropriations package placing severe restrictions on Medi-Cal abortions. The vote was 25-27 in the Assembly and 22-14 in the Senate. There were differences in the two proposals, making it a topic to be negotiated by the conference committee on the budget. However, it became clear that some sort of a confrontation was about to take place between the judicial and legislative branches of government, with the executive branch caught in the crossfire. The Supreme Court has the last word, but some legislators apparently would rather have the justices, in effect, appropriate the funds than do the job themselves.

Miracle of miracles, the budget was approved by the Legislature on the constitutional deadline day of June 15th — with the restrictive abortion language intact.

With Republican opposition mounting, it appeared that Governor Brown's plan to place a sales tax increase on the ballot in November to finance an anti-crime proposal would fall by the wayside. This, in turn, increased the chances that there would be no November vote on the Peripheral Canal referendum. Assemblyman Tom Bates of Oakland added another element of controversy to the Peripheral Canal issue by introducing a bill that would require farmers to pay the true cost of water. They now get cut-rate water from the entitlements to the Metropolitan Water District of Southern California. Bates argued that farmers would save water if they had to pay a realistic price for it, and there would therefore be no need for the canal. Southern California water officials retorted that the Bates bill would not work because at some time in the future there will be no surplus water to offer farmers, and the canal will be needed to keep the state's agricultural economy healthy.

Another bill that created a storm, especially on the editorial pages of newspapers, apparently was designed to wipe out the Peace and Freedom Party. The measure by Assemblyman Richard Lehman, would increase the voter-registration requirement for a minor party to remain "official" from 1/15th of one percent to 1/2 of one percent of the registered voters. Some Democrats feel that the Peace and Freedom vote hurts their candidates.

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through mid-June. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y — Yes **N — No**
***— Absent or not voting**

A 2/3 vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (⅔ = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. (⅔ = 27 votes)

SENATE (23D, 17R)	SB 697 SB 963 SB 970 SB 12	AJR 19 SB 40 SB 110 SCA 14		SB 697 SB 963 SB 970 SB 12	AJR 19 SB 40 SB 110 SCA 14
Alquist (D)	*NNY	Y*N*	Maddy (R)	*YYY	*YYY
Ayala (D)	YYNY	Y*YY	Marks (R)	*NNY	YNNY
Beverly (R)	*NYY	YY*Y	Mello (D)	YYNY	Y*N*
Boatwright (D)	Y*NY	*YYN	Mills (D)	*N**	Y*NY
Briggs (R)	YY*Y	*YYY	Montoya (D)	YY**	*NYN
Campbell (R)	*YYN	NYY*	Nielsen (R)	YYYY	YYYY
Carpenter (D)	YNYY	*YYY	O'Keefe (R)	YYYY	*YYY
Craven (R)	****	****	Petris (D)	YYYY	YNNY
Davis (R)	YYYN	NYYY	Presley (D)	YYNY	Y*YY
Dills (D)	NYNY	N*N*	Rains (D)	N*NY	*YNY
Doolittle (R)	YNY*	NYYN	Richardson (R)	YYYN	N*Y*
Ellis (R)	YNYN	NYYY	Robbins (D)	****	YY*Y
Foran (D)	*NNN	YYYY	Roberti (D)	*YNY	YNYY
Garamendi (D)	*YNY	YYY*	Russell (R)	YNYY	NYYY
Garcia, A. (D)	YYNY	YNYY	Schmitz (R)	Y*YN	NYYN
Garcia, M. (R)	*NYY	NY*Y	Sieroty (D)	NYYY	YNNY
Greene (D)	**NY	YNN*	Speraw (R)	YYYN	NYYY
Holmdahl (D)	YYNY	YNNN	Stiern (D)	NYN*	YNNY
Johnson (R)	Y*YY	*YYY	Vuich (D)	NYYY	YYNY
Keene (D)	YYNY	YYNY	Watson (D)	NYNY	YNNY

SENATE

EDUCATION

SB 697 (O'Keefe) — Makes the state Department of Education the only state agency authorized to seek and spend state funds for sex-education programs. Passed 21-6.

SB 963 (Nielsen) — Reduces state allocations to the University of California if the U.C. system imposes tuition on students. Passed, 23-10.

SB 970 (Speraw) — Limits scope of public-employee collective bargaining to wages, hours and other conditions of employment. Defeated, 18-17 (21 votes required).

ENVIRONMENT

SB 12 (Garamendi) — Places $85 million Lake Tahoe region land-acquisition bond act before voters. Passed, 27-7.

AJR 19 (Farr) — Asks the Reagan Administration to halt plans for oil development in four California offshore areas. Passed, 21-10.

MISCELLANEOUS

SB 40 (Vuich) — Prohibits labor unions and employers from discriminating against workers who are not union members. Passed, 22-10.

SB 110 (Alquist) — Proposal to amend budget act to restrict funding of Medi-Cal abortions. Adopted, 22-14.

SCA 14 (Mills) — Proposed constitutional amendment allowing the state to conform the California income tax to the federal income tax. Passed, 27-5.

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BUSINESS AND CONSUMER AFFAIRS

AB 429 (Vicencia) — Places restrictions on the distribution of beer and bans quantity discounts to retailers. Passed, 65-6.

AB 2046 (Deddeh) — Reduces warranty period for automobile emission parts from 5 years or 50,000 miles to 2 years or 24,000 miles. Defeated, 32-37.

TAXATION

AB 130 (Lockyer) — Abolishes sales tax exemption on candy and gum. Defeated, 30-38.

AB 746 (Kapiloff) — Provides that the federal oil windfall-profits tax is not deductible under California income-tax laws. Passed, 41-31.

AB 1710 (Cortese) — Increases the penalty for late payment of property taxes from 6 to 10 percent. Passed, 56-12.

MISCELLANEOUS

AB 519 (Vasconcellos) — Extends state funding for special school reading programs for five years. Passed, 52-23.

AB 650 (Bane) — Permits state-chartered savings and loan associations and banks to make home loans at variable interest rates. Passed, 64-8.

AB 590 (Tucker) — Makes medical records of venereal-disease patients confidential. Passed, 43-27.

AB 250 (Vasconcellos) — Proposal to amend budget act to restrict funding of Medi-Cal abortions. Adopted, 45-27.

AB 312 (Harris) — Makes January 15th, the birthday of Martin Luther King Jr., a state holiday. Passed. 43-24.

AB 2131 (Lehman) — Raises the minimum voter-registration requirement for a political party to appear on the primary election ballot. Passed, 41-38.

HR 24 (Rosenthal) — Permits Assembly to return to the practice of allowing members to add their names to roll calls after the vote has been announced, Passed 42-31.

ASSEMBLY (49D, 31R)

	AB 429	AB 2046	AB 130	AB 746	AB 1710	AB 519	AB 650	AB 590	AB 250	AB 312	AB 2131	HR 24
Agnos (D)	Y	N	*	Y	Y	Y	*	Y	N	Y	Y	Y
Alatorre (D)	Y	N	*	Y	Y	Y	Y	Y	*	*	Y	Y
Baker (R)	Y	Y	N	N	N	Y	N	N	Y	N	N	N
Bane (D)	Y	*	*	Y	Y	Y	Y	Y	*	Y	Y	Y
Bates (D)	*	N	Y	Y	Y	N	Y	Y	N	Y	N	Y
Bergeson (R)	Y	Y	N	N	N	Y	N	N	Y	N	N	N
Berman (D)	Y	N	Y	Y	*	Y	Y	*	N	*	Y	N
Bosco (D)	Y	N	Y	Y	Y	Y	*	Y	N	Y	Y	Y
Brown, D. (R)	N	Y	N	N	N	Y	N	N	Y	N	N	N
Brown, W. (D)	Y	Y	Y	Y	Y	Y	Y	Y	*	*	Y	Y
Campbell (D)	Y	*	Y	Y	*	Y	N	Y	N	Y	Y	Y
Chacon (D)	Y	N	*	Y	Y	Y	Y	N	Y	Y	Y	N
Cortese (D)	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Costa (D)	Y	N	Y	Y	N	Y	Y	Y	N	Y	Y	Y
Cramer (D)	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Deddeh (D)	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	N	N
Duffy (R)	Y	Y	N	N	Y	Y	Y	N	N	*	N	N
Elder (D)	Y	N	*	*	Y	Y	Y	N	*	Y	Y	Y
Farr (D)	Y	N	Y	Y	Y	Y	N	Y	N	Y	Y	Y
Felando (R)	Y	Y	N	N	Y	Y	Y	Y	N	Y	N	N
Filante (R)	*	Y	N	N	Y	N	Y	Y	*	N	N	N
Floyd (D)	Y	*	N	Y	Y	N	Y	Y	*	Y	Y	Y
Frazee (R)	Y	Y	N	N	Y	N	Y	N	*	N	N	N
Frizzelle (R)	Y	Y	N	N	Y	Y	Y	N	N	N	N	N
Goggin (D)	Y	N	Y	Y	*	Y	Y	Y	Y	Y	N	N
Greene (D)	Y	*	Y	Y	Y	Y	N	*	Y	Y	N	N
Hallett (R)	Y	Y	N	N	Y	N	Y	N	*	N	N	N
Hannigan (D)	Y	N	Y	Y	Y	Y	N	Y	*	Y	Y	N
Harris (D)	Y	*	*	*	Y	*	N	*	N	Y	Y	Y
Hart (D)	*	N	Y	Y	N	Y	N	Y	*	Y	Y	Y
Herger (R)	Y	*	*	*	Y	*	Y	*	Y	N	N	N
Hughes (D)	Y	N	Y	Y	Y	*	Y	Y	N	Y	Y	Y
Imbrecht (R)	Y	Y	N	N	*	Y	*	N	Y	N	N	N
Ingalls (D)	Y	N	*	*	Y	Y	Y	Y	N	Y	Y	Y
Ivers (R)	Y	Y	N	N	N	Y	N	N	Y	N	N	N
Johnson (R)	Y	Y	N	N	N	Y	N	N	Y	N	N	N
Johnston (D)	Y	Y	N	Y	Y	Y	Y	Y	N	Y	Y	Y
Kapiloff (D)	Y	N	Y	Y	Y	Y	Y	N	Y	N	N	N
Katz (D)	Y	N	*	Y	Y	Y	Y	Y	N	Y	Y	Y
Kelley (R)	Y	Y	N	N	Y	N	Y	N	N	N	N	N
Konnyu (R)	*	Y	N	N	Y	N	Y	N	Y	N	N	N
LaFollette (R)	Y	Y	N	N	N	N	Y	N	Y	N	N	N
Lancaster (R)	Y	Y	N	N	Y	*	Y	N	Y	N	N	N
Lehman (D)	Y	N	Y	Y	Y	Y	Y	Y	*	*	Y	Y
Leonard (R)	Y	Y	N	N	*	N	Y	N	Y	Y	N	N
Levine (D)	Y	N	Y	Y	Y	*	Y	Y	N	*	Y	Y
Lewis (R)	N	Y	N	N	N	N	Y	N	Y	N	N	N
Lockyer (D)	Y	N	N	Y	Y	Y	N	Y	N	Y	Y	Y
Marguth (R)	Y	Y	N	N	Y	Y	Y	N	Y	N	N	N
Martinez (D)	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
McAlister (D)	N	N	N	*	Y	N	Y	N	Y	*	Y	N
McCarthy (D)	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Moore (D)	Y	N	Y	Y	Y	N	Y	*	Y	Y	Y	Y
Moorhead (D)	Y	*	*	*	Y	*	Y	*	N	Y	*	N
Mountjoy (R)	*	Y	N	N	N	N	N	N	Y	N	N	N
Naylor (R)	N	Y	N	N	Y	N	Y	N	Y	N	N	N
Nolan (R)	*	Y	N	N	*	Y	N	Y	N	N	N	N
Papan (D)	Y	*	N	Y	Y	Y	*	Y	*	Y	Y	Y
Robinson (D)	Y	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Rogers (R)	Y	Y	N	*	Y	N	Y	N	Y	N	N	N
Roos (D)	Y	N	Y	Y	Y	Y	Y	Y	N	Y	*	Y
Rosenthal (D)	Y	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Ryan (R)	Y	N	N	N	Y	N	Y	Y	*	N	N	N
Sebastiani (R)	N	Y	N	N	N	N	Y	N	Y	N	N	N
Sher (D)	Y	N	Y	Y	Y	Y	Y	Y	N	Y	N	N
Statham (R)	Y	Y	N	N	*	N	Y	N	Y	N	N	N
Stirling, D. (R)	Y	*	N	N	*	Y	Y	*	Y	*	N	*
Stirling, L. (R)	Y	N	N	N	Y	N	Y	Y	Y	N	N	N
Tanner (D)	*	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Thurman (D)	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y
Torres (D)	Y	N	*	Y	Y	*	Y	*	Y	Y	Y	Y
Tucker (D)	*	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Vasconcellos (D)	*	N	Y	Y	*	Y	Y	Y	Y	Y	Y	Y
Vicencia (D)	Y	Y	Y	Y	*	Y	*	Y	Y	Y	Y	Y
Waters, M. (D)	Y	N	Y	Y	Y	*	*	N	Y	Y	Y	Y
Waters, N. (D)	Y	N	N	N	Y	Y	Y	Y	N	*	Y	Y
Wray (D)	Y	*	*	*	Y	*	Y	*	Y	Y	Y	*
Wright (R)	N	Y	N	N	N	N	Y	N	N	N	N	N
Wyman (R)	Y	Y	N	N	*	N	Y	N	Y	N	N	N
Young (D)	Y	Y	N	Y	*	Y	*	Y	*	Y	Y	Y

NEW IN PRINT

Anticipating the Impacts of State Mandates, by the Sacramento Public Affairs Center. Available from the Director of Special Programs, Sacramento Public Affairs Center, 921 11th St., Suite 200, Sacramento, CA 95814, or by calling (916) 442-6911.

Political Reform in California: How Has It Worked? 71 pp. Available for $3 from Citizens' Research Foundation, USC, 3716 So. Hope St., Los Angeles, CA 90007.

Secret Meeting Laws and Public Agencies, by the Office of the Attorney General. 37 pp. Available free from the Legal Information Center, Office of the Attorney General, 555 Capitol Mall, Suite 290, Sacramento, CA 95814, or call the Press Secretary, (916) 445-0928.

The Politics of Land-Use Reform, by Frank J. Popper. 321 pp. Available at $20 (cloth) or $7.50 (paperback) from the University of Wisconsin Press, 114 N. Murray St., Madison, WI 53715.

A Guide to the California Nonprofit Public Benefit Corporation Law, by James E. Topinka, Barbara H. Schelling and Carolyn Mar for The Management Center. 136 pp. with glossary and index. Available at $5.95 (including tax and postage) from the Center, 150 Post St., Suite 640, San Francisco, CA 94108.

Know Your Local Police, by the Urban Policy Research Institute. 23 pp. Available at $2 ($1.50 each for 10 or more) from the National Council on Crime and Delinquency, 411 Hackensack Ave., Hackensack, N.J. 07601.

The California Regulatory Law Reporter, Vol. 1, No. 1, published by the Center for Public Interest Law, University of San Diego School of Law, edited by Robert C. Fellmeth. 60 pp. Contact Editor, University of San Diego School of Law, Alcala Park, San Diego, CA 92110.

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CHARTING THE LEGISLATURE

The following is a list of significant bills pending before the Legislature in mid-June.

AIR POLLUTION

SB 33 (Presley). Establishes annual vehicle emission inspection and testing program for most areas of California to reduce smog. (Senate Finance committee)

BANKS

SB 285 (Vuich). Enacts a new plan for the licensing of foreign banking corporations operating in California. (Governor's desk)

BUSINESS DEVELOPMENT

AB 900 (Kapiloff). Creates the California Invention and Innovation Development Corporation to stimulate and encourage the development of new commercial products and provide assistance to product developers. (Assembly Ways and Means Committee)

AB 748 (Campbell). Establishes a $4 million grant program for businesses to develop technological innovations. (Assembly Ways and Means Committee)

CONFLICT OF INTEREST

SB 42 (Keene). Makes public official who attempts to use his/her office to influence a governmental decision in which the official has a financial interest liable civilly for an amount up to three times the value of the benefit. (Assembly Elections and Reapportionment Committee)

SB 884 (Presley). Prohibits members of the Legislature from accepting any employment, fee, or other thing of value or taking action on behalf of another person before a state or local agency. (Senate Finance Committee)

CRIMINAL JUSTICE

AB 66 (Lockyer). Provides that a juvenile convicted of first degree murder would not be eligible for commitment to the California Youth Authority. (Senate Judiciary Committee)

SB 590 (Rains). Restricts the use of psychiatric testimony in criminal trials where a defendant pleads not guilty by reason of insanity, and provides that a psychiatrist or psychologist is not presumed able to determine sanity or insanity. (Assembly Criminal Justice Committee)

SB 855 (Petris). Authorizes the Director of Corrections to release certain offenders 90 or 180 days early to relieve prison overcrowding. (Senate Judiciary Committee)

AB 1138 (Roos). Creates a new crime of commercial bribery. (Assembly Criminal Justice Committee)

EDUCATION

SB 246 (Schmitz). Requires that names and addresses of high school and college students be supplied to the National Guard and the armed forces for recruitment purposes unless a student or parent objects to the release of such information. (Assembly Education Committee)

EMPLOYMENT

AB 129 (Lockyer). Requires State Personnel Board to set salaries for female-dominated jobs in state employment according to comparable worth factors. (Assembly Ways and Means Committee)

SB 516 (Marz Garcia). Revises fair employment laws and regulations involving discrimination against physically handicapped persons. (Senate floor)

ENVIRONMENT

SB 921 (Roberti). Establishes a Solar Energy Conservation Mortgage Corporation to finance the installation of solar energy conservation equipment in buildings. (Senate floor)

AB 1600 (Sher/Kapiloff). Establishes procedure for the issuance of stop orders to prevent timber operations which may produce significant damage to forests. (Assembly Ways and Means Committee)

FAMILY LAW

SB 659 (Ellis). Revises confidential marriage procedure to require parties to appear personally before county clerk, clerk of the court or a judge in private chambers to obtain authorization for the performance of the marriage ceremony. (Senate Finance Committee)

GAS STATIONS

SB 1208 (O'Keefe). Repeals requirements for the use of gasoline vapor control systems on gasoline station pumps. (Senate floor)

HOUSING

AB 100 (Harris). *Requires condominium and community apartment project owners to disclose to prospective buyers any substantial defects in the housing units to be sold.* (Senate Judiciary Committee)

AB 2245 (Hughes). Creates the California Home Loan Mortgage Association (Callie Mae) to provide additional mortgage funds for Californians desiring to buy homes by guaranteeing securities issued by California financial institutions and mortgage lenders. (Assembly Housing and Community Development Committee)

MEDI-CAL AND HEALTH CARE

AB 1260-1264, 1334-1336 (Torres). Make numerous revisions in the Medi-Cal program with respect to medically indigent persons, prior authorization requirements for Medi-Cal services, the Medi-Cal drug formulary and peer review, health care service plans, and pilot projects for health care delivery. (Assembly Ways and Means Committee)

PRODUCT LIABILITY

SB 299 (Holmdahl). Releases manufacturer from liability for an injury to a consumer where the consumer or the product seller altered or modified the product. (Assembly Judiciary Committee)

PUBLIC ASSISTANCE

AB 1182 (Cortese). Creates a pilot project to provide welfare recipients with vocational training and job-placement services to enable them to develop skills for employment in unsubsidized jobs. (Assembly Ways and Means Committee)

SOCIAL SERVICES

SB 14 (Presley). Reorganizes the state's system of social services. (Senate Finance Committee)

AB 2204 (Vasconcellos). Appropriates $61 million in additional funds to finance the state's share of the SSI/SSP program for the aged, blind, and disabled, for in-home supportive services, and to continue certain special adult programs. (Signed by Governor)

AB 1733 (Papan). Appropriates $12 million for child abuse and neglect prevention programs. (Assembly Ways and Means Committee)

TAXATION

ACA 47 (Dennis Brown). Proposed constitutional amendment to exempt from property taxation all buildings, land and equipment used exclusively for bona fide religious purposes. (Assembly Ways and Means Committee)

SB 654 (Boatwright). Reduces the state gas tax on alcohol fuel from 7¢ per gallon to 3.5¢ per gallon. (Assembly Revenue and Taxation Committee)

SB 540 (Marz Garcia). Requires Franchise Tax Board to adjust personal income tax brackets to reflect changes in the California Necessities Index. (Senate Finance Committee)

TRANSPORTATION

SB 440 (Alquist). Requires the Director of the Department of Transportation and directors of state transportation districts to be licensed civil engineers. (Senate floor)

WATER RESOURCES

AB 2249-2250 (Bates). Changes the financing of the state's water system by eliminating taxpayer subsidies to the state water project and establishing a market system for the development and distribution of water. (Assembly Water, Parks and Wildlife Committee)

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By Leo Rennert

The 'new' Cranston

Alan Cranston spent his first 12 years in the Senate in avid pursuit of politically safe positions. He trimmed his liberal sails, veered toward the center and kept out of the limelight. Gradually, without fanfare, he built working relationships with conservatives in both parties and gained admission to the Senate's inner circle. When he became a candidate for the No. 2 leadership post of Democratic whip, there was nobody to challenge him. Cranston, everybody knew, could be counted on not to make waves. Even on issues where he had strong convictions, he preferred to line up votes quietly and diplomatically. Caution was his trademark.

NOW, SUDDENLY, ALL THIS has changed. California's senior senator has shed his quiet nice-guy image and is leading the charge on Capitol Hill against Ronald Reagan's foreign and domestic programs. While some Democratic congressional leaders still are dazed by last November's debacle and others counsel a go-along position with the White House, Cranston is hammering away at the administration. His new pugnacious stance has sparked talk that, for the first time, he may have his eye on the top leadership post held by Robert Byrd of West Virginia. Cranston insists he has no immediate plans to challenge Byrd. But he's keeping a careful watch for any sign of weakness or slippage by Byrd that might prompt Senate Democrats to shop around for a new leader.

Unlike Byrd, who caved in to Reagan on the budget battle, Cranston mounted a strong attack against the administration's spending priorities. He accused Reagan of fueling a "monstrously escalated arms race" that guarantees permanent budget deficits, runaway inflation and sky-high interest rates. He spoke out against deep cuts in social programs and warned of dire consequences for the needy, the aged, the handicapped and the young.

On the tax front, Cranston has been equally critical. Reagan's program, he asserts, is tilted too much toward the rich. He complains that it shortchanges middle-income groups and offers too little in the way of investment incentives to spur business expansion and productivity. He drew a sharp line against cutting benefits for early retirees and disabled workers.

As a member of the Senate Foreign Relations Committee, Cranston played a lead role in the successful assault on Reagan's nomination of Ernest Lefever as assistant secretary of state for human rights. From the days when he covered Nazi Germany as a foreign correspondent, Cranston has been a strong believer in a forceful U.S. human-rights role on the world stage. Lefever's views that Communist oppression should be denounced with greater vigor than abuses by right-wing dictatorships struck him as a bad caricature of basic American values. Lefever's defeat was doubly sweet for Cranston because it also marked a big setback for Republican Senator S. I. Hayakawa, Lefever's most enthusiastic supporter on Capitol Hill. Cranston makes no secret of the fact that he looks forward to Hayakawa's defeat in the 1982 elections and is only too happy to give him a shove along the way.

On many foreign-policy issues and in the infighting over top State Department jobs, Cranston thinks Reagan has made excessive concessions to the GOP right-wing. He accuses the President of catering to the whims of Senator Jesse Helms of North Carolina in a manner reminiscent of the way Dwight Eisenhower tiptoed around Senator Joseph McCarthy. His biggest complaint is that Reagan has failed to devise a coherent arms-control strategy and shows no readiness to engage the Russians in serious negotiations to reduce nuclear arsenals. Without concurrent arms-control efforts, Cranston sees the arms race spinning out of control. He warns that Arab nations, with U.S. acquiescence, may funnel atomic bombs to the Palestine Liberation Organization for use against Israel.

All these outspoken anti-Reagan positions have earned Cranston plaudits from Democratic senators unhappy with Byrd's refusal to cross swords with the administration. Liberal activists in California and Democrats in the state's congressional delegation are pleased with his more militant stance. "Cranston is sticking his neck out; that's almost unheard of," says one delegation member.

There are many explanations for Cranston's new taste for political confrontation; they're probably all true. While other Democrats bit the dust, he coasted to an easy reelection victory last November. In fact, Cranston likes to point out that he won California by a bigger margin than Reagan and thus enjoys at least as big a "mandate" from the state's voters as the President. He doesn't have to worry about running again until 1986, although he's already raising money to ward off would-be challengers. Reagan helped trigger Cranston's backlash by adopting hard, no-compromise positions on many economic, environmental and foreign-policy issues. Richard Nixon and Gerald Ford also tried to cut back domestic spending — but on a far more moderate scale. In addition, Cranston felt more comfortable with the Nixon-Ford policies of detente with the Soviet Union, overtures to Peking and pursuit of arms-control agreements. In marked contrast, Reagan's policy thrusts, at home and abroad, represent an across-the-board attack on Cranston's basic positions — and he has been quick to respond.

UNLIKE OTHER DEMOCRATIC congressional leaders, Cranston is not content to play a waiting game. He's convinced Reagan's economic program is doomed to failure and Democrats have nothing to fear by taking the gloves off. Byrd, who faces a tough reelection contest in West Virginia next year, is not so certain. By temporizing with Reagan, he has created a leadership vacuum that may tempt other Democrats — not just Cranston — to topple him. There won't be a formal leadership election until after the 1982 elections. But in the byzantine world of internal Senate politics, it often takes a year or more to plot a leadership challenge. Says Cranston: "At this point, I have no intention to challenge Byrd. But I wouldn't stand idly by if someone else tried to climb over me and tried to get at him."

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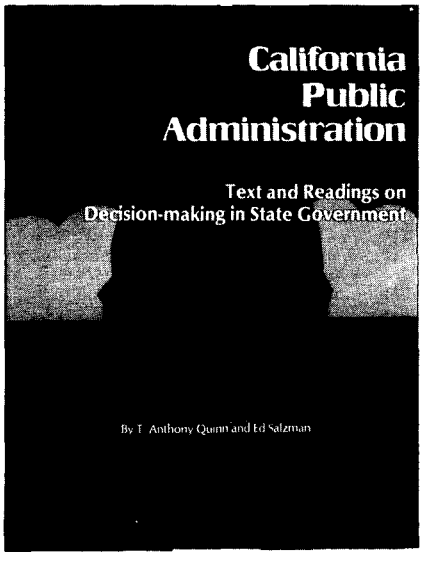

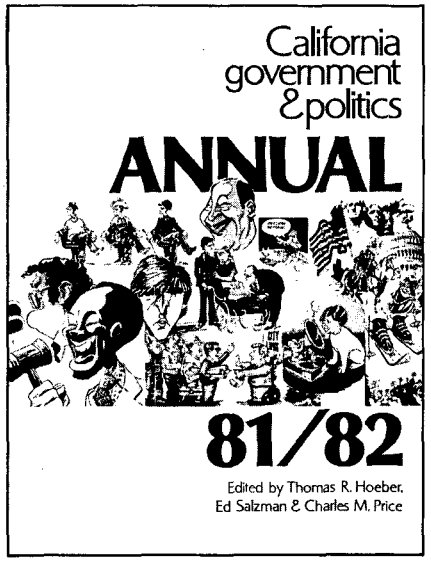

For a politician,
the best thing in life
is a free ride.

— William T. Bagley

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